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# LEGISLATIVE HISTORY

Public Law 244--78th Congress

Chapter 77--2d Session

H. R. 149

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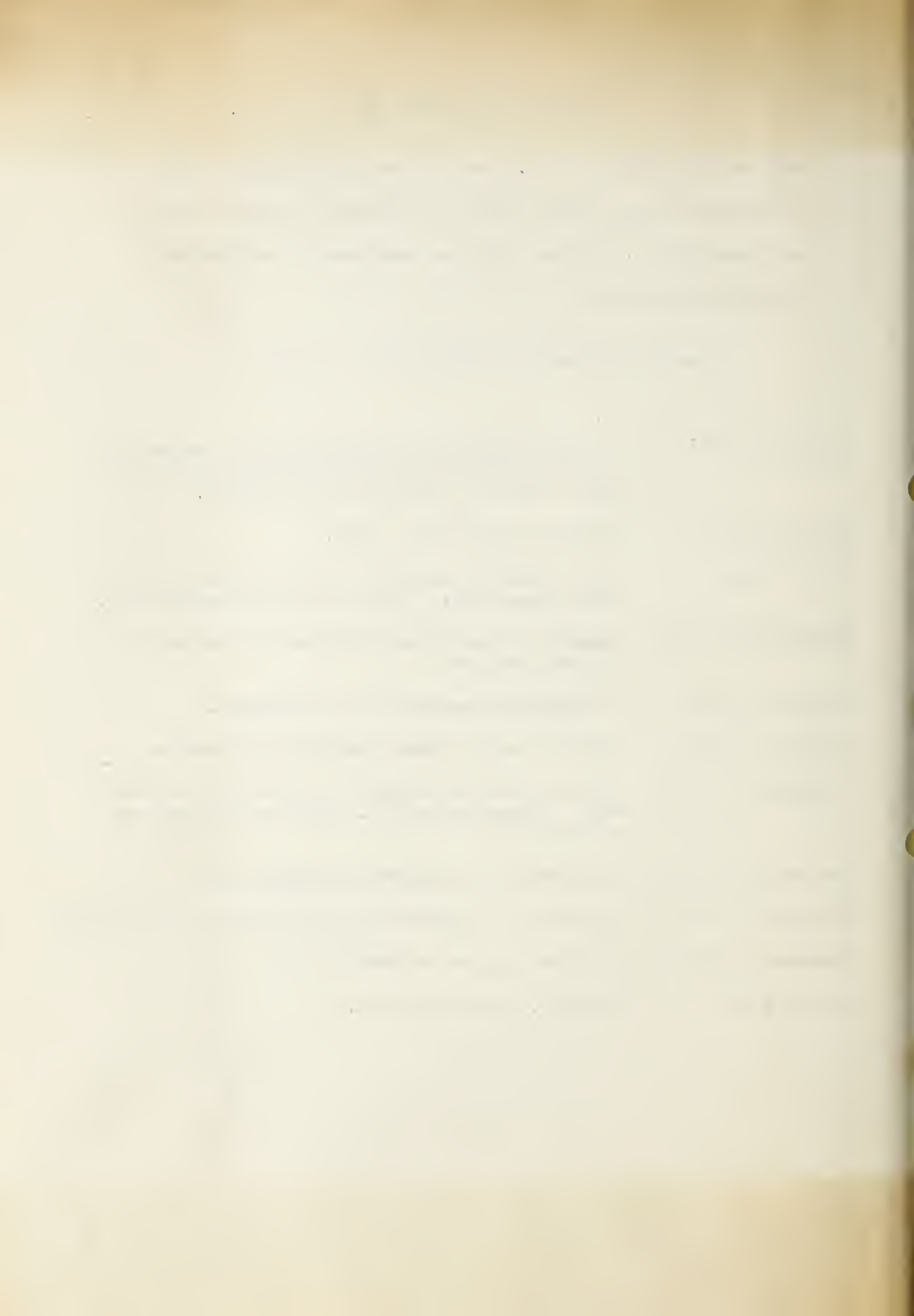


## DIGEST OF PUBLIC LAW 244

DAIRY-PRODUCTS DEFINITIONS. Defines "nonfat dry milk solids" and "Defatted milk solids" for the purposes of the Food, Drug, and Cosmetic Act. (Other terms had been used by the Food and Drug Administration.)

### INDEX AND SUMMARY OF HISTORY ON H. R. 149

January 6, 1943	H. R. 149 introduced by Mr. Patman and referred to the House Committee on Interstate and Foreign Commerce. Print of the bill as introduced.
March 16, 1943	Hearings: House, H. R. 149.
May 17, 1943	House Committee reported H. R. 149 with amendments. House Report 456. Print of the bill as reported.
September 21, 1943	Placed on House Consent Calendar and passed over without prejudice.
October 4, 1943	Discussed and passed House as reported.
October 5, 1943	Referred to the Senate Committee on Commerce.
December 18, 1943	Senate Committee reported H. R. 149 without amendment. Senate Report 623. Print of the bill as reported.
February 15, 1944	Discussed in the Senate and passed over.
February 17, 1944	Discussed in the Senate and made unfinished business.
February 21, 1944	Discussed and passed Senate without amendment.
March 2, 1944	Approved. Public Law 244.









price of agricultural commodities, and for other purposes; to the Committee on Agriculture.

H. R. 50. A bill to provide for improving the functioning of the cooperative features of the Federal Land Bank System; to relieve Federal land bank borrowers of stock liability; to organize the Federal land banks and the national farm-loan associations as membership corporations and to provide for placing Federal land banks on a self-supporting basis and for increasing the functions and responsibilities of national farm-loan associations; to establish a method for determining the interest rates on Federal land bank and Land Bank Commissioner loans; to provide for refunding and guaranteeing certain bonds of such banks; to establish a method for adjusting certain agricultural indebtedness; to provide for limiting the taking of deficiency judgments by Federal land banks and by the Federal Farm Mortgage Corporation; and for other purposes; to the Committee on Agriculture.

By Mr. GAVAGAN:

H. R. 51. A bill to assure to persons within the jurisdiction of every State due process of law and equal protection of the laws, and to prevent the crime of lynching; to the Committee on the Judiciary.

H. R. 52. A bill concerning the qualification of voters or electors within the meaning of section 2, article I, of the Constitution, making unlawful the requirement for the payment of a poll tax as a prerequisite of voting in a primary or general election for national offices; to the Committee on the Judiciary.

By Mr. HARTLEY:

H. R. 53. A bill to regulate boxing contests and exhibitions in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H. R. 54. A bill to amend the District of Columbia Code; to the Committee on the District of Columbia.

H. R. 55. A bill permitting the naturalization of certain persons not citizens whose sons or daughters have served with the land or naval forces of the United States; to the Committee on Immigration and Naturalization.

By Mr. HARE:

H. R. 56. A bill to provide for a defense highway in the United States to serve as a link in connecting the Inter-American Highway with the Alaskan Highway, and for other purposes; to the Committee on Roads.

By Mr. HEFFERNAN:

H. R. 57. A bill providing free laundry and dry-cleaning service to members of the military and naval forces while on active duty; to the Committee on Military Affairs.

By Mr. HINSHAW:

H. R. 58. A bill for the relief of dependents of civilians who were engaged by civilian contractors on the islands of Wake and Guam; to the Committee on Naval Affairs.

H. R. 59. A bill to establish, for the duration and prosecution of the war, adequate United States Guards for the protection of lines of communication and supply and installations and positions deemed by the military authorities vital to national security anywhere within the requirements of military necessity of the United States Government; to the Committee on Military Affairs.

H. R. 60. A bill to provide for the rank of the Commandant of the Marine Corps, and for other purposes; to the Committee on Naval Affairs.

H. R. 61. A bill to provide that the Civil Aeronautics Authority shall be an independent establishment of the Government, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H. R. 62. A bill to amend the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," ap-

proved June 22, 1936, as amended; to the Committee on Flood Control.

H. R. 63. A bill to amend the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. HULL:

H. R. 64. A bill to amend an act approved December 17, 1928, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians in Wisconsin may have against the United States, and for other purposes"; to the Committee on Indian Affairs.

H. R. 65. A bill to provide relief for victims of the flood of September 17, 1942, in and near the village of Spring Valley, Wis.; to the Committee on Banking and Currency.

By Mr. KEOGH:

H. R. 66. A bill to provide that a general assignment for benefit of creditors shall not constitute an act of bankruptcy unless connected with some other act of bankruptcy; to the Committee on the Judiciary.

H. R. 67. A bill granting leave of absence to postal employees on account of death in family; to the Committee on the Post Office and Post Roads.

H. R. 68. A bill to provide study periods for post-office clerks, terminal and transfer clerks; to the Committee on the Post Office and Post Roads.

H. R. 69. A bill granting annual and sick leave to postal employees; to the Committee on the Post Office and Post Roads.

H. R. 70. A bill to amend section 3466 of the Revised Statutes to subordinate tax claims of the United States to wage claims in State insolvency proceedings; to the Committee on the Judiciary.

H. R. 71. A bill for postal employees' longevity; to the Committee on the Post Office and Post Roads.

H. R. 72. A bill authorizing and adopting the improvement of East River, N. Y.; to the Committee on Rivers and Harbors.

H. R. 73. A bill to provide for the appointment of a personal bailiff for each district judge in a United States district court, and for other purposes; to the Committee on the Judiciary.

H. R. 74. A bill to prohibit the registration of trade-marks containing the words "White House"; to the Committee on Patents.

H. R. 75. A bill to provide for reemployment of persons enlisting in the armed forces; to the Committee on Military Affairs.

H. R. 76. A bill to amend section 1 of the act of March 4, 1921, relating to the Arlington Memorial Amphitheater Commission; to the Committee on the Library.

H. R. 77. A bill to amend section 28 of the Judicial Code; to the Committee on the Judiciary.

H. R. 78. A bill to create the office of Law Revision Counsel in the House of Representatives; to the Committee on Accounts.

H. R. 79. A bill to amend the act approved June 25, 1938, entitled "An act to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve"; to the Committee on Naval Affairs.

H. R. 80. A bill to amend section 25 of the act entitled "An act to amend and consolidate the acts respecting copyright", approved March 4, 1909, as amended; to the Committee on Patents.

H. R. 81. A bill to amend Revised Statutes, section 876, as amended, relating to issuance of subpoenas in civil cases; to the Committee on the Judiciary.

By Mr. LANHAM:

H. R. 82. A bill to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for

other purposes; to the Committee on Patents.

H. R. 83. A bill to establish an Office of Fiscal Investigations as an agency of the House of Representatives; to the Committee on Accounts.

H. R. 84. A bill to provide a uniform fee for the registration of copyrights; to the Committee on Patents.

By Mr. LESINSKI:

H. R. 85. A bill to amend the act of March 3, 1927, entitled "An act granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes"; to the Committee on Invalid Pensions.

H. R. 86. A bill to grant pensions to certain unmarried dependent widows of Civil War veterans who were married to the veteran subsequent to June 26, 1905; to the Committee on Invalid Pensions.

By Mr. MANASCO:

H. R. 87. A bill to set aside certain provisions of orders and regulations requiring the registration and inspection of tires and tubes; to the Committee on Banking and Currency.

By Mr. MARTIN of Iowa:

H. R. 88. A bill to amend section 8 (e) of the Soil Conservation and Domestic Allotment Act, as amended; to the Committee on Agriculture.

H. R. 89. A bill to provide pension benefits for certain Spanish-American War veterans; to the Committee on Pensions.

By Mr. MASON:

H. R. 90. A bill to establish a system of longevity pay for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. O'BRIEN of Michigan:

H. R. 91. A bill to promote the economic welfare of the countries of North and South America; to the Committee on Ways and Means.

H. R. 92. A bill to establish Divisions of Air Warfare, the Navy, and the Army as coequal divisions under a Department of National Defense; to the Committee on Expenditures in the Executive Departments.

H. R. 93. A bill to provide a pension for persons who served in the United States military or naval service who were injured in line of duty and who are now past 65 years of age; to the Committee on Invalid Pensions.

By Mr. O'TOOLE:

H. R. 94. A bill to prevent and make unlawful the practice of law before Government departments, bureaus, commissions, and their agencies by those other than duly licensed attorneys at law; to the Committee on the Judiciary.

H. R. 95. A bill to fix the salaries of certain judges of the United States; to the Committee on the Judiciary.

H. R. 96. A bill to amend section 272 of the Judicial Code (28 U. S. C., par. 394) in relation to forbidding corporations and voluntary associations from practicing law before courts, quasi-judicial or administrative bodies; to the Committee on the Judiciary.

H. R. 97. A bill authorizing the Supreme Court to prescribe uniform rules for the admission of attorneys to practice in certain courts of the United States; to the Committee on the Judiciary.

By Mrs. SMITH of Maine:

H. R. 98. A bill to create a Division of Water Pollution Control in the United States Public Health Service, and for other purposes; to the Committee on Rivers and Harbors.

H. R. 99. A bill to provide for a preliminary examination and survey for improvements at the head of Penobscot Bay; to the Committee on Rivers and Harbors.

H. R. 100. A bill for the erection of a memorial to the memory of Maj. Gen. Henry Knox at Thomaston, Maine; to the Committee on Military Affairs.



By Mr. SMITH of Wisconsin:

H. R. 101. A bill to include insurance paid by a private agency or organization among the exemptions from the annual income limitations governing payment of death compensation under Public, No. 484, Seventy-third Congress, as amended, and pension under part III of Veterans Regulation No. 1 (a), as amended; to the Committee on World War Veterans' Legislation.

By Mr. TREADWAY:

H. R. 102. A bill to repeal the Silver Purchase Act of 1934; to the Committee on Ways and Means.

By Mr. VAN ZANDT:

H. R. 103. A bill to amend the Railroad Retirement Act to provide annuities for individuals who are totally and permanently disabled and have completed 20 years of service; to the Committee on Interstate and Foreign Commerce.

H. R. 104. A bill to amend the Railroad Retirement Act of 1937 so as to provide for payment of benefits with respect to the month in which an annuitant or pensioner dies; to the Committee on Interstate and Foreign Commerce.

H. R. 105. A bill to continue the pay of all persons serving in the armed forces of the United States for 6 months after the termination of the present conflict; to the Committee on Military Affairs.

H. R. 106. A bill to restore the rank of brigadier general to William Mitchell, deceased; to the Committee on Military Affairs.

By Mr. VOORHIS of California:

H. R. 107. A bill to amend section 32 of Public Act No. 320, Seventy-fourth Congress, approved August 24, 1935 (49 Stat. 774), as amended; to the Committee on Agriculture.

H. R. 108. A bill to prohibit the employment of persons by the United States at a compensation of \$1 a year, and to provide that persons employed by the United States shall be compensated on a reasonably adequate basis; to the Committee on Expenditures in the Executive Departments.

H. R. 109. A bill to promote the prosecution of the war by preventing monopolistic practices with regard to patents; to the Committee on the Judiciary.

H. R. 110. A bill to amend the act to mobilize the productive facilities of small business in the interests of successful prosecution of the war, and for other purposes; to the Committee on Banking and Currency.

H. R. 111. A bill to provide deferment under the Selective Service Act for men with dependents employed in agriculture; to the Committee on Military Affairs.

H. R. 112. A bill to provide funds for the prosecution of the war and to relieve the American people of unnecessary interest burden; to the Committee on Ways and Means.

H. R. 113. A bill to promote the mutual understanding and insure the continental solidarity of the peoples of the American republics by the interchange of students and teachers; to the Committee on Foreign Affairs.

H. R. 114. A bill to establish under the Fish and Wildlife Service of the Department of the Interior a research laboratory to study the diseases of domestic rabbits, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

H. R. 115. A bill to provide for erection of an appropriate memorial to the men who engaged in the defense of Wake Island against the Japanese; to the Committee on the Library.

H. R. 116. A bill to provide for the dollar-for-dollar matching by the United States of savings by enlisted men in the armed forces through the sale of Soldiers, Sailors, and Marines Savings bonds, and for other purposes; to the Committee on Ways and Means.

H. R. 117. A bill to extend to all citizens an equal right to employment in the service of the Government of the United States, irre-

spective of age; to the Committee on the Civil Service.

H. R. 118. A bill to restore to Congress the sole power to issue money and to regulate its value as provided in article I, section 8, of the Constitution of the United States; to improve the banking system; to aid in restoring and maintaining full employment and production; to reduce the public debt; and to provide a stable currency; to the Committee on Banking and Currency.

By Mr. CANNON of Missouri:

H. R. 119. A bill to amend Public Law No. 190 of the Sixty-sixth Congress; to the Committee on Invalid Pensions.

H. R. 120. A bill authorizing the Postmaster General to provide a simplified method of addressing and mailing certain franked mail; to the Committee on the Post Office and Post Roads.

H. R. 121. A bill to restore benefits for veterans of the World War, and for other purposes; to the Committee on World War Veterans' Legislation.

H. R. 122. A bill to amend the National Labor Relations Act to exempt agricultural organizations; to the Committee on Labor.

H. R. 123. A bill to amend the Fair Labor Standards Act of 1938 to provide for an exemption of certain small newspapers; to the Committee on Labor.

By Mr. BLAND:

H. R. 124. A bill to provide uniformity in designations of certain historic areas, sites, and buildings administered by the Secretary of the Interior and for other purposes; to the Committee on the Public Lands.

By Mr. ANDERSON of New Mexico:

H. R. 125. A bill to authorize the purchase of certain lands for addition to the Navajo Indian Reservation in New Mexico; to the Committee on Indian Affairs.

H. R. 126. A bill to authorize the Secretary of the Interior to sell certain lands, and for other purpose; to the Committee on Indian Affairs.

H. R. 127. A bill to authorize the Secretary of War to sell the Lincoln County Target Range, Lincoln County, N. Mex., and to acquire other land more suitably located for military purposes; to the Committee on Military Affairs.

H. R. 128. A bill to authorize a per capita payment of \$10 to the members of the Santa Clara Pueblo of New Mexico from funds on deposit to their credit in the Treasury of the United States; to the Committee on Indian Affairs.

By Mr. BELL:

H. R. 129. A bill to provide additional pension for certain holders of medals of honor; to the Committee on Military Affairs.

By Mr. BLAND:

H. R. 130. A bill to provide that the fund for the relief of sick and disabled and destitute seamen belonging to the United States merchant marine service shall also be for the relief of sick, disabled, destitute, or needy dependents of deceased seamen, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

H. R. 131. A bill to provide reemployment rights for persons who leave their positions to serve in the merchant marine, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

H. R. 132. A bill to provide for the issuance of a device in recognition of the services of merchant sailors; to the Committee on the Merchant Marine and Fisheries.

H. R. 133. A bill to amend and clarify certain provisions of law relating to functions of the War Shipping Administration, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

H. R. 134. A bill to provide for the suspension, during the war, of operating-differential subsidy agreements, and attendant benefits, under title VI of the Merchant Marine Act, 1936, as amended, and for other purposes; to

the Committee on the Merchant Marine and Fisheries.

By Mr. COLE of New York:

H. R. 135. A bill to establish a Civilian Glider Pilot Training Division in the Civil Aeronautics Administration, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H. R. 136. A bill relating to the naming of naval vessels; to the Committee on Naval Affairs.

H. R. 137. A bill to authorize the appointment of certain Reserve officers to the line of the Regular Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. ELLIOTT:

H. R. 138. A bill to authorize the construction of the Kern River project in California; to the Committee on Flood Control.

By Mr. SIKES:

H. R. 139. A bill to provide a more equitable program of old-age assistance by amending section 3 of the Social Security Act; to the Committee on Ways and Means.

H. R. 140. A bill to provide a more equitable program of old-age assistance by amending section 2 of the Social Security Act; to the Committee on Ways and Means.

H. R. 141. A bill providing for the examination and survey of Chipola River, Ala. and Fla.; to the Committee on Rivers and Harbors.

H. R. 142. A bill to authorize the acquisition, improvement, and maintenance of the Gulf County Canal, Fla.; to the Committee on Rivers and Harbors.

H. R. 143. A bill providing for the examination and survey of the Intracoastal Waterway between Carrabelle and St. Marks, Fla.; to the Committee on Rivers and Harbors.

H. R. 144. A bill to provide for the refund of certain amounts paid for Bankhead Act exemption certificates; to the Committee on Agriculture.

H. R. 145. A bill providing for an examination and survey of St. Josephs Bay, Fla.; to the Committee on Rivers and Harbors.

H. R. 146. A bill to extend liability for training and service under the Selective Training and Service Act of 1940 to persons holding certain offices under the United States or any State, Territory, or the District of Columbia; to the Committee on Military Affairs.

By Mr. PATMAN:

H. R. 147. A bill prohibiting certain acts interfering with the national defense program or with normal Government activity, and for other purposes; to the Committee on the Judiciary.

H. R. 148. A bill to prevent manufacturers of products from offering for sale and selling the same at retail in certain cases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H. R. 149. A bill to increase agricultural purchasing power and to meet the need of combating malnutrition among the people of low income by defining and making certain a reasonable definition and standard for non-fat dry milk solids; to the Committee on Interstate and Foreign Commerce.

H. R. 150. A bill authorizing the issuance of certificates of indebtedness to the Federal Reserve banks, for financing the national defense, and for other purposes; to the Committee on Ways and Means.

H. R. 151. A bill to provide for redemption of certain cotton certificates issued under the Bankhead Cotton Act; to the Committee on Agriculture.

H. R. 152. A bill providing for Government ownership of the 12 Federal Reserve banks, and for other purposes; to the Committee on Banking and Currency.

H. R. 153. A bill to provide for direct Federal old-age assistance; to the Committee on Ways and Means.

H. R. 154. A bill to provide for the disposition of unclaimed deposits in national banks; to the Committee on Banking and Currency.

# H. R. 149

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1943

Mr. PATMAN introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

---

## A BILL

To increase agricultural purchasing power and to meet the need of combating malnutrition among the people of low income by defining and making certain a reasonable definition and standard for nonfat dry milk solids.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That for the purposes of the Federal Food, Drug, and Cos-  
4       metic Act of June 26, 1938 (ch. 675, sec. 1, 52 Stat. 1040),  
5       dry milk solids or defatted milk solids is the product result-  
6       ing from the removal of fat and water from milk, and con-  
7       tains the lactose, milk proteins, and milk minerals in the  
8       same relative proportions as in the fresh milk from which  
9       made. It contains not over 5 per centum moisture. The fat  
10      content is not over 1½ per centum unless otherwise indicated.

11      The term "milk", when used herein, means sweet milk  
12      of cows.



78TH CONGRESS  
1ST SESSION

# H. R. 149

## A BILL

To increase agricultural purchasing power and to meet the need of combating malnutrition among the people of low income by defining and making certain a reasonable definition and standard for nonfat dry milk solids.

By Mr. PATMAN

JANUARY 6, 1943

Referred to the Committee on Interstate and Foreign  
Commerce







# NONFAT DRY MILK SOLIDS

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## HEARINGS BEFORE THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE HOUSE OF REPRESENTATIVES SEVENTY-EIGHTH CONGRESS

FIRST SESSION

ON

### H. R. 149

A BILL TO INCREASE AGRICULTURAL PURCHASING POWER  
AND TO MEET THE NEED OF COMBATING MALNUTRI-  
TION AMONG THE PEOPLE OF LOW INCOME BY  
DEFINING AND MAKING CERTAIN A REASON-  
ABLE DEFINITION AND STANDARD FOR  
NONFAT DRY MILK SOLIDS

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JUNE 16 AND JULY 14, 1942  
MARCH 16, 17, AND 18, 1943

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Printed for the use of the  
Committee on Interstate and Foreign Commerce



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# NONFAT DRY MILK SOLIDS

TUESDAY, JUNE 16, 1942

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,  
Washington, D. C.

The committee met, pursuant to call, at 10 a. m., Hon. Clarence F. Lea (chairman) presiding.

The CHAIRMAN. The committee will please come to order.

We have met this morning for a hearing on H. R. 7002, introduced by Mr. Patman, of Texas.

(The bill referred to, H. R. 7002, is as follows:)

[H. R. 7002, 77th Cong., 2d sess.]

A BILL To increase agricultural purchasing power and to meet the need of combating malnutrition among the people of low income by defining and making certain a reasonable definition and standard for nonfat dry milk solids

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purposes of the Federal Food, Drug, and Cosmetic Act of June 26, 1938 (ch. 675, sec. 1, 52 Stat. 1040), dry milk solids or defatted milk solids is the product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It contains not over 5 per centum moisture. The fat content is not over  $1\frac{1}{2}$  per centum unless otherwise indicated.

The term "milk," when used herein, means sweet milk of cows.

The CHAIRMAN. Mr. Patman, we will be glad to hear from you.

## STATEMENT OF HON. WRIGHT PATMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. PATMAN. Mr. Chairman, we appreciate very much the opportunity of presenting our views on this bill.

We have a number of witnesses here who are experts on this subject. The arrangements have been made whereby we will use only about 1 hour's time, I believe, not including the questioning period.

Mr. Bryan Blalock, who is from my district, Marshall, Tex., and who is the owner and operator of a dairy farm himself and is the head of one of the largest dairy production companies in that section of the country, the Southwest, is here, and I would like to ask that he have charge of the introduction of the witnesses in the order that he would like for them to appear.

The CHAIRMAN. That will be satisfactory.

Mr. PATMAN. Suppose, Mr. Blalock, in starting off, you bring those containers around and let us get our definitions straight as to what we are talking about. I presume that that will meet with the approval of the committee.



The CHAIRMAN. Yes.

Mr. PATMAN. As it is now, this container here, we will say, holds 22 pounds of cow's milk. And, from that 22 pounds of cow's milk, we have taken from it this 2 pounds of what is now called skim milk powder, or some other name, using the word "skim."

We consider that a repulsive name. It is unfair, it is a name which carries a stigma with it. Therefore, it will not sell on the shelves of the ordinary store. People do not want it. Just the name "skim" would cause them to say, "Now, I do not want any skim milk. I do not want any skim milk."

But in fact, two-thirds of the value of the 22 pounds, two-thirds, is in this one can of 2 pounds here, and that, when you add water to this [indicating] you have 22 pounds of real good milk. Everyone, every informed person, says it is good. It is good for people who need milk.

Mr. BULWINKLE. What do you suggest calling it?

Mr. PATMAN. From that 22 pounds we have not only 2 pounds of skim milk solids that the Government insists on calling it, but we have 1 pound of butter.

Mr. CHAPMAN. Mr. Chairman.

The CHAIRMAN. Mr. Chapmen.

Mr. CHAPMAN. Mr. Patman, you say that you add water to that 2 pounds?

Mr. PATMAN. Yes, sir.

Mr. CHAPMAN. Of dried skim milk and that that makes it good milk?

Mr. PATMAN. It makes it good milk; yes, sir.

Mr. CHAPMAN. Do you mean that that makes it whole milk, or just makes it good skim milk?

Mr. PATMAN. Well, it makes it good milk.

Mr. CHAPMAN. Makes it good, just as good as whole milk?

Mr. PATMAN. No; of course not.

Mr. CHAPMAN. Is it milk, or skim milk?

Mr. PATMAN. Well, you do not have skim milk any more, Congressman. You see, skim milk is really out of date now.

The fact is we do not skim milk, we do not do that any more as we used to.

Mr. CHAPMAN. What was the intent of the legislation, when applied to products such as skim milk? Do you want to give it a deceptive name so that it can be sold as whole milk?

Mr. PATMAN. Well, it would be better to have it called separated milk, I presume, than skim milk, because you separate it now instead of skimming it. You do not skim milk any more. That is a deceptive name, so far as that is concerned. How about—

Mr. CHAPMAN. You mean, that that is a deceptive name calculated to deceive the public and legalize an economic cheat, which the Food, Drugs, and Cosmetics Act was passed to eliminate?

Mr. PATMAN. Oh, no. It is a cheat to say that it is skim, because it is not.

Mr. CHAPMAN. Who would it cheat, would you say, the consumers?

Mr. PATMAN. Well, no, the consumers are not cheated.

Mr. CHAPMAN. Well, the purpose of this law is to protect the consumers.



Mr. PATMAN. They are cheated in this way, Mr. Chapman, that they are deceived from the good food by reason of the repulsive or unfair name.

Mr. CHAPMAN. No one believes, Mr. Patman, that skim milk is as good food as whole milk. It is a valuable food product.

Mr. PATMAN. Yes.

Mr. CHAPMAN. But it should be sold in such a manner that if a person wants to buy it he can, but buy it as skim milk instead of whole milk. It should be sold as skim milk instead of whole milk; is that not right? He gets good food value out of it; nobody will dispute that. But, my point is that this is an attempt, as is even indicated in the title of the bill, to legalize an economic cheat on the consuming public.

Mr. PATMAN. No; no.

Mr. CHAPMAN. Was it not the legislative intent of Congress in passing the Food, Drugs, and Cosmetics Act and did it not also provide that in the administration thereof, that there should be provision for hearings, and an appeal from the decision of the Bureau to the circuit court of appeals?

Mr. PATMAN. Oh, the circuit court of appeals, of course, is just carrying out the existing law. Congress is the policy-making branch of the Government. Congress can change the law at any time it wants to.

And, instead of cheating, being an economic cheat, I think it is cheating a lot of people out of good food now.

If this were used all over the country, especially if the poor people, in the low income groups, were privileged to get this food, we would have stronger young men going into the armed services than we have today.

Mr. CHAPMAN. They are privileged to get it now.

Mr. PATMAN. Yes; but it has a bad name.

Mr. CHAPMAN. You mean that it is necessary to fool the low income groups in order to get them to buy this product?

Mr. PATMAN. We can legalize the definition of foods. That is perfectly all right. Congress is the policy-making branch of the Government. Congress can do anything it wants to. Of course, the administrators should carry out the will of the Congress and not try to dictate what the will of Congress is. And, the Pure Food, Drug and Cosmetics Branch has, to my mind no business and is out of place in coming up here and telling us what to do. It is a matter for the Representatives of the people to say what to do.

Mr. CHAPMAN. I would like to ask you when that Department has ever come up here and tried to tell us what to do? I have been here a good many years, and I have not heard of them doing that.

Mr. PATMAN. They filed a report in opposition to it and that is appearing.

Mr. CHAPMAN. Is it not a customary thing for all committees, the committee of which you are a member, to refer legislation to the departments for report before the committee act upon it? Does not the committee you are on refer matters to the R. F. C., or to the Federal Reserve, or whatever agency has to deal with its enforcement?

Mr. PATMAN. That is very true.

Mr. CHAPMAN. You refer it to whatever organizations have to enforce that legislation.

Mr. PATMAN. That is right.

Mr. CHAPMAN. Is there any reason why, or is there anything wrong with the chairman of this committee, on behalf of the committee, referring a bill to an administrative agency and asking for a report on it? Do you see anything wrong in the administrative agency answering that request of the committee?

Mr. PATMAN. No. I hope that the gentleman does not try to get me into any controversy with the chairman. It is perfectly all right to do that. We do that in our committee. We do that as to all claims, and they turn down nine-tenths of them. You know that.

Mr. CHAPMAN. You mentioned that the court was just carrying out the decision of the Congress. You also know that the court in that decision said—I assume that you are referring to this decision—

Mr. PATMAN. I do not care what the court said. We have our responsibility here.

Mr. CHAPMAN. That is right.

Mr. PATMAN. If we want to change the definition of butter, we can do it. We did. Take the Pure Food and Drugs Branch—I know that you did this—take for instance brewer's slop. They changed the name to "stillage," because that brewer's slop was a repulsive name, and they did not like it. So, the Pure Food and Drugs Administrator changed it to stillage.

Take nicotinic acid. The women would not buy that, because it indicated that it had nicotine in it. So, they authorized a change of the name there to Nicene.

And, it has been done before, why not do it for the dairy farmers. It is certainly not deceiving anybody, because you do not have skim milk.

Mr. CHAPMAN. You also know, of course, that long before any of us were in Congress, Congress established the policy of preventing skim milk from being sold as whole milk before we thought about these powers.

Mr. PATMAN. Yes. Now, you take down in our country, we have salt produced at Grandsaline, which is produced from salt water. Well, if you carry this to its logical conclusion, you would say that it could not be called salt. You would not say that that is not salt at all. Why not make the same requirements.

Mr. CHAPMAN. That is not involved in this bill. We can take that up when you bring in a bill that involves that.

Mr. PATMAN. It is the same proposition, though.

The CHAIRMAN. Mr. Patman, there is one question that I would like to ask you. You spoke about there being no longer any skim milk, that it is separated milk. Do you mean to say there is a difference in the result between skimming and separation?

Mr. PATMAN. Well, at least, the method used is different.

The CHAIRMAN. But, does it leave the quality of the milk any different?

Mr. PATMAN. I do not know just what the exact effect of that would be, Mr. Chairman. I would rather that someone who knows the subject better than I do would explain it.

The CHAIRMAN. Very well.

Mr. BULWINKLE. Mr. Chairman.

The CHAIRMAN. Mr. Bulwinkle.

Mr. BULWINKLE. I want to ask one question.

Mr. Patman, suppose we say in your definitions, say "milk without cream."

Mr. PATMAN. What is that?

Mr. BULWINKLE. Without cream.

Mr. PATMAN. Well, Mr. Bulwinkle—

Mr. BULWINKLE. Does not that mean the same thing?

Mr. PATMAN. We have fat here.

Mr. BULWINKLE. I know that.

Mr. PATMAN. And, we have a good food here.

Mr. BULWINKLE. I know that.

Mr. PATMAN. And everyone admits that it is, and why insist that we keep a repulsive name for it. It is a good food.

Mr. CHAPMAN. Mr. Patman, you of course know that the law provides for the use of the common or usual name.

Mr. PATMAN. That is what we want to do, change the law.

Mr. CHAPMAN. You mean that you want to change everything?

Mr. PATMAN. No.

Mr. CHAPMAN. You have not introduced a bill to that effect. You should then introduce a bill to amend the food, drugs and cosmetics law by repealing the provision as to the common or usual name.

Mr. PATMAN. We have only introduced a bill as to this one article.

Mr. CHAPMAN. In other words, this is just an entering wedge to do that.

Mr. PATMAN. We just want to do this one thing.

Mr. CHAPMAN. You want to get the camel's head under the tent, and hope to follow it up by getting the whole camel under the tent and repeal that requirement?

Mr. PATMAN. What else would come under it?

Mr. CHAPMAN. That is the only inference I can draw from the introduction of this particular bill.

Mr. PATMAN. How can you draw that inference, Congressman, when there is nothing in the world proposed except this? Now, if there were a lot of other proposals to follow it, why, you would probably be right in your interpretation, but since there is no proposal following it, I think you are absolutely wrong in your inference.

Mr. CHAPMAN. Why do you say in answer to Major Bulwinkle's question, that it would not be all right to just say milk without cream?

Mr. PATMAN. Would you be in favor of that?

Mr. CHAPMAN. I am not introducing this bill. I am not committing myself as being in favor of anything until I have listened to all of the hearings on it, as I always do, and acquired all of the information possible for me to get.

Mr. PATMAN. That is the reason I want you to listen to these people who know more about it than I do, because I think that they can convince you.

Mr. CHAPMAN. Let me ask you one more question, if I may. You referred to the families in the low-income groups.

Mr. PATMAN. Yes, sir.

Mr. CHAPMAN. Needing this dried skim milk.

Mr. PATMAN. Yes, sir.

Mr. CHAPMAN. Which is as I construed it.

Mr. PATMAN. Yes, sir.

Mr. CHAPMAN. Do you not think then that they ought to be put on notice so that if they want it that that is what they are getting, instead of deceiving them?

Mr. PATMAN. If there was something bad, or dangerous, or obnoxious, or poisonous, I would say "Yes." If it were poison, I would say "Yes."

Mr. CHAPMAN. The theory of this law is not only to protect life and preserve health, but also to eliminate economic cheats.

Mr. PATMAN. Well, there cannot be any economic cheat when we write into the law as to what it is.

Mr. CHAPMAN. Now, another thing about that, do you think the average family—I will grant you that the chemists would know what "defatted milk solids" means—but do you think that the average housekeeper in the low income group which you referred to would know when the housewife looks at a can and it said "defatted milk solids," do you think that she would know what was meant was skim milk?

Mr. PATMAN. She would not be as confused as she is now, because now she does not buy it, because it says "skim," because she does not know what it is.

If they realized that it represented two-thirds of the milk value, then they would buy it.

Therefore, it deceives them.

Mr. CHAPMAN. Would you suggest that the label show that it is two-thirds of milk?

Mr. PATMAN. I do not know. I have not considered that, Mr. Congressman.

Mr. CHAPMAN. Then, you see, if you concede that the average housewife in the low-income brackets would not recognize "defatted milk solids" as skim milk, then obviously it is an attempt to deceive the housekeeper into purchasing something thinking she is getting something which she is not getting.

Mr. PATMAN. There is not any attempt to deceive. There is the attempt to prevent a good food product from being discriminated against by reason of its repulsive name.

The CHAIRMAN. We thank you, Mr. Patman.

Mr. PATMAN. Thank you.

#### STATEMENT OF BRYAN BLALOCK, MARSHALL, TEX.

Mr. BLALOCK. Mr. Chairman and gentlemen of the committee: We are mindful of the fact that this country is at war and you gentlemen have a lot to do, and for that reason, we are going to try to confine our witnesses to only four, to make our record as quickly as possible, and in determining these four witnesses, we have tried to bring people here who are familiar with this subject who can present it to you in brief and very concise form, and in a very informative manner.

We feel that this is one of the most important bills, even though it is less than a page long, now pending before Congress. We feel like it is partly a war measure. As many of you know over 500,000,000 pounds of dry milk solids were manufactured in the United States during the past year and over 200,000,000 have gone into leasehold and other governmental purchasing agencies.



Mr. CHAPMAN. Mr. Blalock, suppose you let me ask you this. Before you proceed further, will you tell the committee who you are and whom you represent at this hearing?

Mr. BLALOCK. I beg your pardon. My name is Bryan Blalock, Marshall, Tex. I operate a 100-cow dairy farm. I am president of the Texas Dairy Products Institute and am president of the Texas Milk Products Co.

As I said, over 500,000,000 pounds of dry milk solids were manufactured during the last 12 months and 200,000,000 pounds have gone into lease-lend.

This product is so important that at least half a dozen plants have been built within recent months and priorities have been granted quickly for stainless steel and other precious metals needed so badly in our great war program.

Mr. BULWINKLE. We were not able to get that at all for one in North Carolina.

Mr. BLALOCK. Priorities have been granted within recent months for additional drying plants which are being built, and we feel that the subject of dry milk is of sufficient importance to take a little bit of your time at this particular time.

So, I want to introduce only four witnesses. They are from four different fields of public service. All are outstanding leaders from widely separated parts of the Nation. We have asked them to make their statements as brief as possible, saving as much time as possible. I will say at the outset I do not believe that there is anybody in America, that has studied the matter, opposed to this bill with the possible exception of the Pure Food and Drugs Administration and I am not so sure that they are opposed to it with some changes of some kind.

The agricultural colleges of America—they are impartial. They are not prejudiced. Our agricultural colleges would be the first ones to oppose if there was anything in the bill to hoodwink the people. There is no disposition on the part of the agricultural leaders of America, to mislead the consumer. Nearly all of these leaders favor changing the name of the product. Prominent men like Mr. Reed have often condemned the name "skimmed milk." Letters and excerpts from speeches will be filed later.

Mr. CHAPMAN. Who made the statement?

Mr. BLALOCK. I believe that Congressman South, of Texas, knows me well enough to know that I would not be here advocating this if there was anything in it that would constitute a cheat.

Mr. CHAPMAN. Who did you say made a statement?

Mr. BLALOCK. Mr. Reed of the Department of Agriculture.

Mr. CHAPMAN. Did you say that he is in favor of this bill?

Mr. BLALOCK. Well, he is against the term "skim milk" as reported in talks on one or two occasions. Extracts from his talks together with letters from many other prominent leaders will be filed at conclusion of the hearing.

Mr. CHAPMAN. Mr. Chairman, I would also like to have Dr. Reed called as a witness before this hearing is closed.

Mr. BLALOCK. I will read list of witnesses.

The first to be heard is Mr. W. S. Moserip, Lake Elmo, Minn., a dairy farmer; director, National Cooperative Milk Producers' Federation, Washington, D. C., composed of 260,000 dairy farm families;

president, Twin City Milk Producers' Association, St. Paul, Minn., composed of 7,500 dairy producers; and president, Holstein-Friesian Association of America, Brattleboro, Vt., composed of 32,300 members.

The second witness will be Mr. C. E. Gray, San Francisco, Calif. Golden State Co., Ltd., San Francisco; chairman of board, American Dry Milk Institute, Chicago, Ill.; 3 years United States Department of Agriculture, in charge of Research Dairy Division, Bureau of Animal Industry; and former member, California State Board of Agriculture.

The third witness will be Mr. C. A. Iverson, Ames, Iowa. He is head of dairy industry department, Iowa State College, Ames, Iowa; 10 years as president, Linder-Iverson Co. with dairy plants located at Fairfield, Ottumwa, Washington, and Farmington, Iowa.

And, the fourth witness will be Dr. O. D. Abbott, Gainesville, Fla.; head of home economics research department, University of Florida, Gainesville; 17 years research on nutritional deficiency diseases.

And, we are going to confine this to the subject matter and make it just as brief as we possibly can.

At this time I present Mr. Moscrip.

#### STATEMENT OF W. S. MOSCRIP, LAKE ELMO, MINN.

The CHAIRMAN. You may proceed, Mr. Moscrip.

Mr. MOSCRIP. I want to say first, Mr. Chairman, I am going to ask you to give sufficient time for a full and complete discussion of this problem, because from the questions asked, I think it is very apparent that a complete misunderstanding of what we are attempting to do has been had in some of the committee's minds.

I am going to read a statement and then enlarge upon it if I may.

My name is W. S. Moscrip. I reside in Lake Elmo, Minn., and am engaged in operating a farm of 280 acres and maintaining on that farm a herd of about 125 registered cattle including 60 or more milk cows. I have been a dairy farmer for over 35 years and for more than 25 years a member of the Twin City Milk Producers' Association, a farmer-owned and controlled cooperative association which markets the milk supply of its members either in the form of fluid milk and cream or in byproducts, one of the most important of which is dry milk solids. This cooperative is composed of more than 7,500 dairy farmers. I am president of the association and also a director of the National Cooperative Milk Producers' Federation, which consists of 60 farmer-owned and controlled cooperative associations with a farmer membership in 40 States in excess of 260,000 members. Several of its members, including our own association, manufacture and market dry milk solids. I should like to submit for the record the membership list of the federation, as well as a copy of a motion approving H. R. 7002 adopted by the federation's executive committee. I am also president of the Holstein-Friesian Association of America which is an organization of over 32,000 members.

(The list of members, together with motion above referred to are as follows:)

## MEMBER ORGANIZATIONS

- Berrien County (Mieh.) Milk Producers' Association, Benton Harbor, Mieh.
- California Milk Producers' Association, 145 East Firestone Boulevard, Downey, Calif.
- Cedar Rapids Cooperative Dairy Co., 560 Tenth Street Southwest, Cedar Rapids, Iowa.
- Central Ohio Cooperative Milk Producers, Inc., 12 North Third Street, Columbus, Ohio.
- Challenge Cream & Butter Association, 925 East Second Street, Los Angeles, Calif.
- Champaign County Milk Producers, 221 North Race Street, Champaign, Ill.
- Chattanooga Area Milk Producers Association, Chattanooga, Tenn.
- Connecticut Milk Producers' Association, 990 Wethersfield Avenue, Hartford, Conn.
- Consolidated Badger Cooperative, Shawano, Wis.
- Consolidated Milk Producers for San Francisco, 593 Market Street, San Francisco, Calif.
- Cooperative Pure Milk Association of Cincinnati, Plum and Central Parkway, Cincinnati, Ohio.
- Dairy & Poultry Cooperatives, Inc., 173 Duane Street, New York, N. Y.
- Dairymen's Cooperative Sales Association, 451 Century Building, Pittsburgh, Pa.
- Dairymen's League Cooperative Association, Inc., 11 West Forty-second Street, New York, N. Y.
- Des Moines Cooperative Dairy, 1935 Des Moines Street, Des Moines, Iowa.
- Dubuque Cooperative Dairy Marketing Association, Inc., 1020 Central Avenue, Dubuque, Iowa.
- Evansville Milk Producers' Association, Inc., 305 Boehne Building, Evansville, Ind.
- Falls Cities Cooperative Milk Producers' Association, 229 Bourbon Stock Yards Building, Louisville, Ky.
- Georgia Milk Producers' Confederation, 661 Whitehall Street Southwest, Atlanta, Ga.
- Indiana Dairy Marketing Association, Muncie, Ind.
- Indianapolis Dairymen's Cooperative, Inc., 729 Lemcke Building, Indianapolis, Ind.
- Inland Empire Dairy Association, 1803 West Third Avenue, Spokane, Wash.
- Interstate Associated Creameries, 1319 Southeast Twelfth Avenue, Portland, Oreg.
- Interstate Milk Producers' Cooperative, Inc., 401 North Broad Street, Philadelphia, Pa.
- Knoxville Milk Producers' Association, Knoxville, Tenn.
- Land O'Lakes Creameries, Inc., 2201 Kennedy Street Northeast, Minneapolis, Minn.
- McLean County Milk Producers' Association, 411-413 North Center Street, Bloomington, Ill.
- Madison Milk Producers' Cooperative Association, 29 Coyne Court, Madison, Wis.
- Maryland & Virginia Milk Producers' Association, 1756 K Street NW., Washington, D. C.
- Maryland Cooperative Milk Producers', Inc., 810 Fidelity Building, Baltimore, Md.
- Miami Valley Cooperative Milk Producers' Association, 136-138 West Maple Street, Dayton, Ohio.
- Michigan Milk Producers' Association, 406 Stephenson Building, Detroit, Mich.
- Mid-West Producers' Creameries, Inc., 224 West Jefferson Street, South Bend, Ind.
- Milk Producers' Association of San Diego County, 354 Eleventh Avenue, San Diego, Calif.
- Milk Producers' Association of Summit County and Vicinity, 145 Beaver Street, Akron, Ohio.
- Milk Producers Federation of Cleveland, 1012 Webster Avenue, Cleveland, Ohio.
- Milwaukee Cooperative Milk Producers, 1633 North Thirteenth Street, Milwaukee, Wis.

Nebraska-Iowa Non-Stock Cooperative Milk Association, 2506 Dodge Street, Omaha, Nebr.  
 New England Milk Producers' Association, 73 Cornhill, Boston, Mass.  
 Northwestern (Ohio) Cooperative Sales Co., 2221½ Detroit Avenue, Toledo, Ohio.  
 O. K. Cooperative Milk Association, Inc., Oklahoma City, Okla.  
 Peoria Milk Producers, Inc., 216 East State Street, Peoria, Ill.  
 Pure Milk Association, 608 South Dearborn Street, Chicago, Ill.  
 Pure Milk Producers' Association, 853 Live Stock Exchange Building, Kansas City, Mo.  
 Pure Milk Products Cooperative, 204 Retlaw Theater Building, Fond du lac, Wis.  
 Richmond Coop. Milk Producers' Association, 516 Lyric Building, Richmond, Va.  
 St. Joseph, Mo., Milk Producers' Association, Inc., 1024 South Tenth Street, St. Joseph, Mo.  
 Sanitary Milk Producers, Room 609 Chamber of Commerce Building, 511 Locust Street, St. Louis, Mo.  
 Sioux City Milk Producers' Cooperative Association, Inc., 413-414 Warnock Building, Sioux City, Iowa.  
 South Iowa Cooperative Creameries Association, Keosauqua, Iowa.  
 South Texas Producers Association, Inc., 3609 Center Street, Houston, Tex.  
 Stark County Milk Producers' Association, Inc., Canton, Ohio.  
 Tillamook County Creamery Association, Tillamook, Ore.  
 Twin City Milk Producers' Association, 2402 University Avenue, St. Paul, Minn.  
 Twin Ports Cooperative Dairy Association, 6128 Tower Avenue, Superior, Wis.  
 United Dairymen's Association, 635 Elliott Avenue, West, Seattle, Wash.  
 Valley of Virginia Cooperative Milk Producers' Association, Harrisburg, Pa.  
 Wayne Cooperative Milk Producers Association, 104 East Columbia Street, Fort Wayne, Ind.  
 Wisconsin Cheese Producers' Federation Cooperative, Plymouth, Wis.

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#### MOTION OF THE EXECUTIVE COMMITTEE OF THE NATIONAL COOPERATIVE MILK PRODUCERS' FEDERATION

Moved and adopted that the National Cooperative Milk Producers' Federation endorse the principles of the bill (H. R. 7002) introduced by Mr. Patman and providing a statutory definition and standard for the dairy product "Dry Milk Solids," in lieu of the names "Dried Skim Milk," "Powdered Skim Milk," or "Skim Milk Powder."

Mr. MOSCRIP. At the outset, I would like to submit an outline of the principle objectives of H. R. 7002, and then through my testimony and that of witnesses immediately following, develop certain data most of which will be filed by way of reference without taking too much of the committee's time. These objectives are set forth in this statement, a copy of which I desire to have incorporated in the record.

NOTE.—This statement of objectives is the same as the one referred to by Mr. Patman at page 51.

The bill H. R. 7002 provides a statutory definition for the nonfat solids of milk for the purpose of the Federal Food, Drug, and Cosmetic Act. It is designed to remedy an intolerable situation which arises out of the regulation of the Food and Drug Administration which requires the nonfat solids of milk in dried form to be labeled "dried skim milk," "powdered skim milk," or "skim milk powder." It is our belief that these alternative names are a misnomer and that in effect they cloak this nutritious and valuable food product with a "crepe" label. H. R. 7002 would provide a truly descriptive name for the product without the stigma that attaches through the use of the word "skim," to describe the product and which, in fact, is misleading under existing processing operations which have prevailed in the dairy industry for many years.



We believe that it is the general consensus of producer, consumer, and processor groups who produce, manufacture, and furnish the market for this valuable product, that the Food and Drug Administration regulation defining this product as "dried skim milk" will perpetuate a name which is obsolete, which is unfair to producers, processors and consumers alike, and which, in fact, is misleading and deceptive. Any such result, of course, is contrary to the fundamental concept of the Food, Drug, and Cosmetic Act which was designed to promote honesty and fair dealing in the interest of the consumer as well as to protect the consumer from fraud.

As members of the committee undoubtedly know, there are nearly 7,000,000 farmers in this country of which approximately three-fourths engage directly or indirectly in the production of dairy products. Their dairy production finds its way to market in various forms, but unfortunately less than 20 percent of the milk from which the fat has been removed reaches commercial markets. The balance, roughly 50 billion pounds, is kept on farms. This is a most startling fact when we realize that human nutrition is most deficient in the elements that this milk supplies. Consequently, we think that every means should be made available to supply human nutrition needs and at the same time eliminate the waste of this pure, wholesome milk. We believe that H. R. 7002 is a step in that direction.

The position taken that the name of the product should be "dry milk solids," with limitations as to moisture content and a statement as to the fat content, is based on substantial grounds.

When hearings were held by the Food and Drug Administration for the purpose of establishing a definition and standard of identity for this product, a great deal of testimony was developed which showed that, giving due consideration to processing operations as well as to the resulting product, the name "Dry Milk Solids" with a declaration as to fat content definitely tells the consuming public the name and composition of the product. It is dry, it is milk solids, and its butterfat content in but the rarest of instances exceeds 1½ percent.

Furthermore, it is not skimmed milk in dry form. As this name will imply, it is simply certain ingredients of milk minus practically all of the original fat and all of the water. A skimmed-milk product ordinarily is thought of as a product from which the water has not been removed—a liquid product.

Since the new Food, Drug, and Cosmetic Act is predicated on honesty and fair dealing in the interest of the consumer, it may be said that it is just as deceptive to give a product a name which indicates that its value is less than is really the case as it is to give the product a name out of proportion to its value. In the present case, the importance of the product to the consumer is the nonfat milk solids—proteins, minerals, sugar, water-soluble vitamins—that it contains, not the water. Yet the use of the name "Dried Skim Milk" focuses attention on the watery portion of milk and obscures the fact that the product contains more than two-thirds of the total solids of whole milk which are absolutely essential in the human diet.

The use of such terminology as "Dried Skim Milk," "Skim Milk Powder," or "Powdered Skim Milk," results in a natural consumer sales resistance. This arises from the fact that the word "skim" is

universally regarded as applying to an inferior product. The consequence of this resistance, which the dairy industry has been unable to break through, results in a reluctance on the part of many consumers to purchase this quality product. They believe that the word "skim" indicates that all the value of the product has been removed.

To the dairy farmer this may well mean the loss of a substantial part of his market for the disposal of surplus-milk production. To the consumer it may mean the loss of an important and valuable nutritive food product because the alternative names adopted in the regulation will lead him into the belief that it is an inferior product. To both the manufacturer and the producer it will mean the undoing of 6 to 7 years of constructive work in educating the consuming public to the proper descriptive name of the product "Dry Skim Solids."

In the past, the dairy farmer has been getting but one pay check, namely for his butterfat, although it is a fact that the nonfat solids of milk are becoming increasingly important from a dollar and utilization standpoint. Every cent increase in the price of these nonfat solids equals 2 cents increase in butter prices. Recognition is now being given to this fact in that several recent Federal orders regulating the marketing of milk in various interstate markets, including New York and Chicago, provision has been made for pricing certain of the use classifications of milk on a butter-nonfat milk-solids basis; attaching a value to these nonfat solids, in other words.

These progressive steps are most wholesome from the dairy farmer's viewpoint. Butterfat cannot carry all of the income load to dairy farmers. This is particularly true when butter prices reach a level which reflect adversely the per capita consumption of butter in this country. As a consequence, the dairy farmer must necessarily have a cushion to protect him against serious decreases in his cash dairy farm income.

Appropriate values placed on the nonfat solid of milk can provide this cushion. And, of course, it is equally important that care be taken not to cause the consumer to underestimate the nutritional value of the nonfat solids of milk by a prejudicial misnomer such as the word "skim." These nutritious nonfat solids are entitled to a correct designation and certainly there is no better time than the present to obliterate the misunderstanding as to their true value—a misunderstanding which has resulted from the use of the word "skim" to characterize this milk when utilized in the feed lot on the farm or treated as refuse and thrown away.

As I stated previously, the names used in the food and drug regulation are not only inaccurate and unfair, but are obsolete. Today, and for that matter, many years past, there has been no such preprocessing operation as "skimming." By this I mean, the skinning process of years ago, namely, the setting of milk in shallow pans, letting the milk partly decompose, and then lifting off the cream with a ladle, or the adding of water to milk in order to facilitate the rising of the cream and then ladling it off, has long since passed. Both the method and the usage, or shall I say, wastage, has passed.

Since at least 1900, the butterfat or cream of milk has been removed by centrifugal separation. There is no "skimming" in modern dairy practices. Rather, whole milk comes into the dairy plant, is there prepared for distribution either as fluid whole milk or fluid cream. When fluid cream is sold as such from whole milk coming into the plant, the milk solids separated from the cream are usually dried and

marketed in such form. The drying process is entirely mechanical. To burden these dried solids with a wholly inaccurate name such as "Dried Skim Milk" in view of the manufacturing process in which "skimming" plays no part, seriously retards relentless efforts to supply consumer nutritional needs with two-thirds of the food value constituents of milk having at least as much value as the other one-third, the butterfat constituent. In this regard, it should be borne in mind that there results 2 pounds of these nonfat solids to each 1 pound of fat.

To illustrate just how inaccurate the term "skim" is when applied to these solids: When minerals are extracted from water they are designated by the name of the mineral rather than the water source from which derived. Salt, for example, carries the name "salt" and not "Dried Skimmed Sea Water," and I think today we are extracting magnesium from sea water, and certainly that does not carry the name "Dried Skimmed Sea Water." So, too, these milk solids—proteins, minerals, sugar and vitamins, all holding the same and natural relationship as in the milk from which they are extracted, should be designated for exactly what they are. (See "Fundamentals of Dairy Science, Associates of Rogers, pp. 36, 546-547.)

Since 1920 production of this food has multiplied more than 10 times. It has become one of the major outlets for the dairy farmers' surplus production. Through the educational efforts of the dairy industry the use of the product has resulted in a substantial net gain in the utilization of milk solids not fat.

When the Department of Agriculture issued advisory standards in 1916, at which time the name "Dried Skimmed Milk" apparently was coined, production amounted to 16,000,000 pounds. This had increased to 449,291,000 pounds in 1938. There occurred an increase in 1940 to 481,742,000 pounds, and published figures for 1941 indicate a total of 474,500,000 pounds. Much of the gain in production can be traced directly to the educational campaign which the dairy industry has religiously carried out since 1924. Each year thereafter, with the exception of the year 1939 and the present year, there has been substantial gains. The production accounts for more than 50 percent of the total annual production of nonfat milk solids which go into processing channels. In the year 1941, out of a total production of over 474,000,000 pounds of dry milk solids, 367,000,000 pounds were produced for human consumption, roughly 77.4 percent. This represented a total value of about \$33,500,000 to the processor. Assuming that the dairy farmer gets 40 percent of this amount, the net result to him would be approximately 34 cents per hundred pounds of milk, or a total of more than \$14,500,000 annually to all producers.

The figures given demonstrate that this product is a very material item to the dairy farmer. Anything which detracts from the marketability of the product, such as the names given to it in the food and drug regulation unreasonably and unfairly does, works to the prejudice of the dairy farmer in the loss of market outlet and income and to the consumer in the loss of a beneficial food product.

Further, it should be pointed out that the product has a "top priority rating on the shipping schedule" (lend-lease), according to Government spokesmen. British needs for the coming year are



estimated at about 200,000,000 pounds, and during the period April 29, 1941, to March 1, 1942, estimated Government purchases for deliveries to United Nations approximated 35,500,000 pounds. The fact that the product is recognized for United Nations needs speaks for the quality and value of the product as a food constituent.

In 1939 when I appeared before the Food and Drug Administration in the public hearing to establish a standard for these nonfat milk solids, I presented as a part of my testimony the label which we were then using. I would like to submit a similar label as a part of my testimony here. At that time over 60 percent of all sales of this product were being made under this type of label.

(Copy of label submitted for examination of members of the committee.)

In conclusion, I can only add that to meet the nutritional needs of the country and to aid the dairy farmer in maintaining a constant supply of milk at a reasonable price and one which recognizes the full value of all milk constituents, we believe that this committee and Congress can render a real service by taking the forward step intended by H. R. 7062 to obliterate the unfortunate stigma which has attached itself to the wholesome and nutritious nonfat solids of milk through the use of the inaccurate term "skim."

And, may I say further, Mr. Chairman, that under the request of the Government to raise milk production, many new processing plants, drying plants, have been built or put in operation all over the country and a great deal of new equipment has been added in old plants.

In our own organization, in two of our plants, we have increased our past year's dried milk production 50 percent. Owing to the Lease-Lend purchases, in the first 5 months of this year, a large percentage of our production has gone to Lease-Lend. The point is that the industry now is selling a large part of its production of this product for lease-lend purposes, for export to our allies, and that is going to stop some time. When it does stop we are going to find that the industry will have to depend on sales in this country and abroad, and we are going to need every possible sales resistance removed from our endeavors to prevent a collapse of the industry, and certainly a proper definition of the product for exactly what it is, namely, dried milk solids not to exceed 1½ percent butterfat misleads no one, and it gives the industry an opportunity to develop sales which are so badly needed in our human diet in this country and in other countries. And this point, I think, should be developed just a bit further. The dairy farmers need every penny returned that they can get for 100 pounds of milk. This new development of the past 16 years in the sale of the solids-not-fat, gives him an opportunity to enlarge his income and at the same time enables him to sell his fat at a lower price, which he has to do, because of competitive conditions, and still make a living—receive a living price from his 100 pounds of milk. I think that is one of the most important considerations, gentlemen, that any committee of the Congress has in determining a proper definition for dried-milk solids.

Thank you very much.

Mr. CROSSER. Mr. Chairman.

The CHAIRMAN. Mr. Crosser.

Mr. CROSSER. Will you tell me whether or not you would be satisfied to have the first four words, in line 5, removed from the bill?

Mr. MOSCRIP. I may say in reading this, I thought it was an excellent bill.

Mr. CROSSER. I have another question to ask after you answer that. In other words, would not "defatted milk solids" cover your whole definition?

Mr. MOSCRIP. Well, it would be very much better than the present situation, but we still would not have a satisfactory definition.

Mr. CROSSER. Would that not mean that a good deal of the opposition which is being made to your bill as to the uncertainty?

If you say "dried milk solids," that does not tell us, in using that phraseology there, whether anything was taken from the original milk or not.

Mr. MOSCRIP. Well, the phrase of the sentence, "the fat content is not over one and one-half per centum unless otherwise indicated" certainly indicates exactly what it is.

Mr. CROSSER. That is true.

Mr. MOSCRIP. That indicates exactly what it is composed of.

Mr. CROSSER. That does not go into the title. That generally goes to the product that is being sold. I am not antagonistic to it, I am simply asking for information.

Mr. MOSCRIP. I understand that thoroughly. I do not think that "defatted milk solids" does as good a job for the industry and for the consumers as does the definition which we suggest. It will be very much better than the present situation.

Mr. CROSSER. Well, of course, if you were to say "dry milk" and stop there, that would not be sufficient.

Mr. MOSCRIP. No; because it is not dried milk, but it is dried milk solids not fat.

Mr. CROSSER. It just occurred to me that the three words "defatted milk solids" would pretty nearly cover it.

Mr. MOSCRIP. As I say, that is very much better than the present situation.

The CHAIRMAN. Mr. Moscrip, section 401 of the Food and Drugs Act, which is the section that provides for definitions and standards for food, reads as follows—the part relevant to what we have here:

Whenever in the judgment of the Secretary such action will promote honesty and fair dealing in the interest of consumers, he shall promulgate regulations fixing and establishing for any food under its common or usual name so far as practicable, a reasonable definition and standard of identity, a reasonable standard of quality, and/or reasonable standards of fill of container.

Now, I take it that this provision requires in the first place that the standards shall honestly represent the facts as to what the product is. You do not disagree with that as a proper provision, I assume?

Mr. MOSCRIP. I do not disagree with that as a proper provision, but I do disagree, most emphatically, with the interpretation, because it is dried milk solids.

The CHAIRMAN. That is what I was trying to do, to find the issues.

Mr. MOSCRIP. And that, is most emphatically, the issue.

The CHAIRMAN. Now, in the first place the question is whether or not the proposed label corresponds to the facts, and in the second place, if it is practicable, whether or not that name is the one commonly used to indicate what the product is.

Mr. MOSCRIP. I am delighted that you asked that question. The word "skim" has been used probably since the first cow was created; certainly since Jacob's time. I am not able to say how many years

that it has been used, and over that period of years, the word "skim" has been associated with an inferior product. "This farm has been skimmed." The value of it has been skimmed." You have heard individuals referred to as "skim milk" individuals, and you immediately picture such an individual.

Now, dried milk solids are a product of about the past 16 years—a product which is comparatively new. It is just an infant industry feeling its way, both for the benefit of the producers and the consumers. I think 16 years, as compared to the years that the word "skim" has been used to define an inferior and different product, so accepted in the public mind, is not too long for the industry to grope around and find a proper designation. The public cannot possibly know this product as dried skim milk because it is not the skimmed milk of olden times in dry form.

I contend and our contention has been right along that the Food and Drug Administration, in the very section that you read, had authority to grant our definition, because our definition tells exactly what the product is. I have enough confidence in the intelligence of the consuming public that when they read "dry milk solids not exceeding one and one-half percent fat," they will know exactly what they are buying. I cannot stress that too much, or stress too much the importance to the dairy farmer of this development of this new source of revenue in order for him to have a living price for his milk and enable him to stay on his farm and pay his debts.

The CHAIRMAN. Do you make any distinction between the resulting product in the case of where the milk is skimmed and the case as at present where it is separated?

Mr. MOSCRIP. Very decidedly. You cannot use what in the old days was known as skim milk to make this product either by the spray or the roller process, because of the bacteria and high acidity that was developed. Now the fresh whole milk is delivered to these plants and there separated and immediately processed. Under the old system the milk was in part decomposed or water was added—it was an inferior product.

The CHAIRMAN. Skim milk, I take it, is an inferior product as contrasted with the whole milk; there would not be any doubt about that.

Mr. MOSCRIP. You are talking about skim milk, or separated milk?

The CHAIRMAN. Separated milk.

Mr. MOSCRIP. Yes. Let us keep clearly in mind that two-thirds of the nutritive value in this milk is contained in these solids not fat. That will be developed, I presume, in detail, by Dr. Abbott. If we could just focus our attention on that one fact, through the development of this process and this food, we have a market or are developing a market for 2 of the 3 pounds of solids heretofore largely wasted—2 pounds of solids to 1 of fat, Mr. Chairman.

The CHAIRMAN. What does that mean when translated into the returns to the dairy man?

Mr. MOSCRIP. The solids today are bringing—but, of course, the price is high today—about 72 cents a hundred for separated milk. That is a very material return to the farmer.

The CHAIRMAN. What would the difference be though if you were not permitted to sell this skim milk at all—this solid milk, at all?

Mr. MOSCRIP. If we were not permitted to sell it at all, it would mean to lay 72 cents less on 100 pounds of milk.



The CHAIRMAN. What evidence is there to show that the words "dry skim milk" injures the sale of your product?

Mr. MOSCRIP. Resistance of customers that we now have—objections to that term, and to that label.

The CHAIRMAN. Is that objection commonly recognized?

Mr. MOSCRIP. By the industry; yes, sir.

The CHAIRMAN. By the trade?

Mr. MOSCRIP. Yes, sir. You see, we still have got to develop the public mind on this product, we have got to develop millions of pounds of sales in the country. It has not gotten into the homes as yet in any large degree. It has gotten into the bakeries, candy makers, and that sort of thing today. They, of course, object to the use of any such term in the products made from it in their factories.

The CHAIRMAN. The figures of sales that you gave a while ago indicated that the product was winning its way with the public.

Mr. MOSCRIP. It is. That is a splendid increase in 16 years. But when you realize that we still have 50,000,000,000 pounds of separated milk available, we have got a tremendous source of potential income for the dairy farmers.

The CHAIRMAN. You mean billions of pounds?

Mr. MOSCRIP. Yes.

The CHAIRMAN. You are referring, of course, to milk.

Mr. MOSCRIP. I am referring now to the raw product available to be made into dry milk solids if we can develop a market for it.

The CHAIRMAN. Now, as to the situation here—

Mr. MOSCRIP. I might say, that we have an industry that will need a market when Government purchases stop.

The CHAIRMAN. Now, as to the situation here, the Food, Drug, and Cosmetic Act provides for a hearing to be held by the Secretary with the idea of determining what should be a proper designation or a proper standard, and the hearing was held, and you attended that hearing, I presume?

Mr. MOSCRIP. Yes, sir.

The CHAIRMAN. Did you advocate the adoption of these same words at that time?

Mr. MOSCRIP. Yes, sir.

The CHAIRMAN. But as a result of that hearing the following definition was established?

Mr. MOSCRIP. Yes.

The CHAIRMAN. Dried skim milk, powdered skim milk, skim milk powder, is the food made by drying sweet skim milk. It contains not more than 5 percent of moisture, as determined by the method prescribed in Tentative Methods of Analysis of the Association of Official Agricultural Chemists, fourth edition, 1935, page 282, under the caption "Moisture tentative." The term "skim milk" as used here means cows' milk from which the milk fat has been separated.

Now, that was the definition adopted?

Mr. MOSCRIP. That is right.

The CHAIRMAN. Then as I understand the matter was appealed to the court and the court held, in substance, that there was substantial evidence in the record to warrant the Secretary in adopting this definition and, therefore, the court would not interfere with the order the Secretary had made and as the law stands, I take it, the law does not attempt to specify the particular terms that should be applied to these standards, but makes it subject to regulation by the

Secretary of Agriculture, so that so far as the law is concerned, it is satisfied if the label speaks the truth and as near as practicable uses a common term for that purpose.

Mr. MOSCRIP. Our objection is first that the labels provided in the regulation do not speak the truth and that is not the common name that is referred to in the law; next, we do not agree with the circuit court of appeals—and if I remember correctly, oftentimes the Supreme Court does not agree with each other. They have 5 to 4 decisions. And, we most emphatically disagree with the circuit court of appeals.

Mr. CHAPMAN. Was there a divided court in the circuit court of appeals?

Mr. MOSCRIP. I do not know.

Mr. CHAPMAN. You do not know?

Mr. MOSCRIP. I have not read the decision.

Mr. SOUTH. Mr. Chairman.

The CHAIRMAN. Mr. South would like to ask a question.

Mr. SOUTH. I wonder if it would not simplify matters somewhat if we take it for granted that the court would have upheld the proposed definition as it did uphold the definition under consideration. In other words, the court simply recognized that the Secretary, or whatever authority was designated, should have the right to use the definitions, within certain limitations, and I think both sides of this controversy might well assume that the court would have acted as it did act had some other definition, including the one which you have suggested, been under consideration.

So, there is nothing to be gained as I see it by bickering back and forth on that definition. The court did not define anything. It simply said that the Secretary had that authority and do you not think it would have said the same if the proposed definitions had been under consideration?

Mr. MOSCRIP. Well, not being a lawyer, I hesitate to say what a court might say under certain conditions.

Mr. SOUTH. That is all, Mr. Chairman.

The CHAIRMAN. What I was trying to do was to define what the issue is here and avoid possible needless controversy.

Mr. MOSCRIP. Well, I have attempted to state our position clearly.

The CHAIRMAN. Yes; I am not finding fault, you understand, with what you are saying, but any definition that would give the facts and use the common name applied to the product, as near as practicable, would be within the law.

Mr. MOSCRIP. Yes; I think it would. Again there is where we differ. There again, sufficient time has not elapsed for the public to have arrived at any common name and understanding of what dried milk solids, as we now know them, really are. That is the crux of the whole situation.

The CHAIRMAN. I would not see any particular trouble so far as the definition of the court is concerned. I take it that the decision conformed to the facts and the law.

Mr. MOSCRIP. I have never read the decision. I am not prepared to discuss that, Mr. Chairman.

The CHAIRMAN. I believe that is all.

Mr. CROSSER. Mr. Chairman—

The CHAIRMAN. Mr. Crosser.



Mr. CROSSER. As I understand it you say there is a difference in what is called skim milk and separated milk in that there is a chemical transposition takes place in the case of skim milk.

Mr. MOSCRIP. I say there is a difference in the separated milk which we now use to manufacture dry milk solids, and the old-fashioned skim milk that you and I—probably—at least I knew as a boy when my grandmother and my mother would go out to the springhouse to skim the milk. There is a very definite difference.

Mr. CROSSER. I knew it very well. Can you tell us the difference?

Mr. MOSCRIP. I cannot, chemically, except to say that then milk had soured, or decomposition had begun to take place.

Mr. CROSSER. In other words, the result was different.

Mr. MOSCRIP. Entirely.

Mr. CROSSER. Now, of course, we could by law say that round was square and after the people got familiar with it, familiarized themselves with the use of the word "square," they would understand what was meant.

Mr. MOSCRIP. That would not be true.

Mr. CROSSER. I say, by law, we can do that, could we not?

Mr. MOSCRIP. I do not think so.

Mr. CROSSER. I am using that as an analogy.

Mr. MOSCRIP. I understand, but I do not think that there is an analogy.

Mr. CROSSER. I think that there is an analogy.

Mr. MOSCRIP. I do not think there is in the two positions.

Mr. CROSSER. What you are saying is to call it skim milk does not always convey the full complete idea. Now, I am not antagonistic to you at all. I am just trying to tell you that you can do a lot of things by governmental edict. You can say that hereafter, probably say, that the term shall mean a certain thing.

Mr. MOSCRIP. We are not attempting to say that round is square. We are only attempting to get a proper definition for a product which means so much to the producer and the consumer.

Mr. CROSSER. All right, that is all.

Mr. BROWN. Mr. Chairman.

The CHAIRMAN. Mr. Brown.

Mr. BROWN. I would like to ask one question. As I understand it, you cannot dry whole milk with any real success, is that true?

Mr. MOSCRIP. No, sir; that is not true.

Mr. BROWN. Does not the butterfat in the milk interfere with the process?

Mr. MOSCRIP. We are drying whole milk at 26 or 27 fat that can be kept, under proper conditions, kept perfectly.

Mr. BROWN. But it must be kept under perfect conditions.

Mr. MOSCRIP. No, under proper conditions, and they are not so very difficult to obtain.

Mr. BROWN. Let me ask you one practical question. Now, of course, the butterfat content of milk varies.

Mr. MOSCRIP. Yes, sir.

Mr. BROWN. With the feed of the cows.

Mr. MOSCRIP. Yes, sir.

Mr. BROWN. What about the solid contents of the milk?

Mr. MOSCRIP. There is a slight variance.

Mr. BROWN. But, a gallon of Holstein milk will not give as much butterfat as a gallon of Jersey milk; is that correct?

Mr. MOSCRIP. That is right.

Mr. BROWN. How about solids?

Mr. MOSCRIP. Slightly less.

Mr. BROWN. How much less; how much less?

Mr. MOSCRIP. I am not prepared to say; but slightly.

Mr. BROWN. Do you mean 5 percent less, or 50 percent?

Mr. MOSCRIP. I cannot say, because I have not prepared those figures and I would want to be accurate. The solids though, are there, and when dried have equal value.

Mr. BROWN. I understand that, but I am just wondering what the variation would be with Holstein milk in comparison with Jersey milk.

Mr. MOSCRIP. You would need no difference in terminology at all.

Mr. BROWN. I am not talking about terminology; I am talking about amount of solids out of a gallon of milk.

Mr. MOSCRIP. It would only make a slight difference.

Mr. BROWN. Would you get the same?

Mr. MOSCRIP. You get the same result.

Mr. BROWN. Would you get the same poundage, or percentage of solids out of Holstein milk that you would out of Jersey milk?

Mr. MOSCRIP. No, sir; I am not saying exactly the same poundage. You would get slightly more out of Jersey, but the composition would be the same. The fat is different.

Mr. BROWN. I understand that, but what I am trying to find out is the amount; if you can give me the answer, fine, if not, I would like to ask some witness who can give it to me.

Mr. MOSCRIP. I think that Professor Iverson can give it to you accurately.

Mr. BROWN. All right, sir; that is what I asked for.

The CHAIRMAN. We thank you.

Mr. CHAPMAN. Mr. Chairman.

The CHAIRMAN. Mr. Chapman.

Mr. CHAPMAN. What percentage of fat is there in dried Jersey milk, about which Mr. Brown asked?

Mr. MOSCRIP. As a practical matter, it is the same, so far as I know.

Mr. CHAPMAN. What percentage would that be?

Mr. MOSCRIP. Not to exceed  $1\frac{1}{2}$  percent.

Mr. CHAPMAN. You mean only  $1\frac{1}{2}$  percent of the fat in a package?

Mr. MOSCRIP. Of 100 pounds.

Mr. CHAPMAN. Of whole milk.

Mr. MOSCRIP. That is right.

Mr. CHAPMAN. What was the figure that he used there?

Mr. MOSCRIP. 26 or 27 pounds. That is on whole, on dried whole milk.

Mr. CHAPMAN. Now, I thought that you said 26 or 27 pounds.

Mr. MOSCRIP. 26 or 27 pounds.

Mr. CHAPMAN. Of dried milk.

Mr. MOSCRIP. Yes.

Mr. CHAPMAN. But, the label that you were using prior to this decision of the court specified that it did not contain over  $1\frac{1}{2}$  percent?

Mr. MOSCRIP. That is dried solids, not fat.

Mr. CHAPMAN. I understand.

Mr. MOSCRIP. Not dried whole milk.

Mr. CHAPMAN. Now, let me ask this, and in view of the discussion about the requirements of the law that the common usual name be used in designating these products.

You used some illustration about magnesium and salt.

Now, I would like to ask you if the common and usual name of salt is salt or dried sea water?

Mr. MOSCRIP. We think salt.

Mr. CHAPMAN. And is the common or usual name of magnesium, magnesium or dried sea water?

Mr. MOSCRIP. We think it is magnesium.

Mr. CHAPMAN. Then, do you think that your illustration is appropriate to this discussion?

Mr. MOSCRIP. I do; yes, sir.

Mr. CHAPMAN. In view of the requirement of the law to the effect that the common or usual name be used?

Mr. MOSCRIP. I do, because of the very small number of years that have elapsed since this product came on the market; because the public even now are not familiar with the product, as familiar as they should be, and because we have the whole public to sell on the value of this product in the human diet. That is why we think we must have a definition that does not put two strikes on us before we start.

Mr. CHAPMAN. You state that there is a difference between what is the common and usual use of the terms "skim milk" and "separated milk."

Would you favor a law that required this to be labeled as dried separated milk, which you say it is, and that it is different from skim milk?

Mr. MOSCRIP. I do not think that that would be a fair definition, because after the solids are removed and it is dried, it is dried milk solids.

Mr. CHAPMAN. Is it just the same as dried whole milk?

Mr. MOSCRIP. Pardon me?

Mr. CHAPMAN. Well, dried whole milk would be dried milk solids, would it not?

Mr. MOSCRIP. Well, it is usually called dry whole milk.

Mr. BULWINKLE. Let me ask a question.

The CHAIRMAN. Mr. Bulwinkle.

Mr. BULWINKLE. When was the last time that you used this label on any of your products?

Mr. MOSCRIP. I think you would find that on our products right now, with a stamp over it giving the Food and Drug Administration definition.

Mr. BULWINKLE. Well, when did you put that statement on?

Mr. MOSCRIP. When the ruling came out.

Mr. BULWINKLE. That was 2 years ago, practically?

Mr. MOSCRIP. Well, whenever it was; I do not remember.

Mr. BULWINKLE. July 6, 1940.

Mr. MOSCRIP. Whenever it was.

Mr. BULWINKLE. Now, what was the sales of this dried milk in the year 1941?

Mr. MOSCRIP. I would prefer to have Mr. Gray answer that. I know that our sales to private consumers are down about 25 percent and, as I recall, total sales in 1941 were over 471,000,000 pounds.

Mr. BULWINKLE. 471,000,000 pounds?

Mr. MOSCRIP. Yes, sir.

Mr. BULWINKLE. That was for the year 1941?

Mr. MOSCRIP. 1941, I mean.

Mr. BULWINKLE. And, what was it for 1940?

Mr. MOSCRIP. Mr. Gray has just handed me the yearly production figures. For 1940 it was 481,000,000 pounds, slightly down, you see, in 1941 as compared with 1940.

Mr. BULWINKLE. All right. How much of that went into lend-lease in 1940 and 1941?

Mr. MOSCRIP. I do not believe I can answer that question accurately, except from my own organization records.

Mr. BULWINKLE. All right, let us take your organization's figures; what were the sales in 1939?

Mr. MOSCRIP. I haven't the 1939 figure, but for the first 5 months in 1942—we began only last year to sell lease-lend—we have sold 35 percent of our first 5 months production of spray-process dry milk solids.

Mr. BULWINKLE. Thirty-five percent does not mean anything to me unless I know the full quantity.

Mr. MOSCRIP. All right. For our first 5 months of 1942, production of spray is 5,490,720 pounds, and roller 2,064,000 pounds. Just let me add those, and I will give you the total in just a second. It is 7,550,720 pounds.

Mr. BULWINKLE. Of your dried milk; is that it?

Mr. MOSCRIP. That is right.

Mr. BULWINKLE. For the first 5 months, 1942?

Mr. MOSCRIP. That is right.

Mr. BULWINKLE. All right, what did you have for the whole year 1941?

Mr. MOSCRIP. For the year 1941 we had just under 10,000,000 pounds.

Mr. BULWINKLE. We will call it 10,000,000 pounds.

Mr. MOSCRIP. Yes, sir.

Mr. BULWINKLE. What did you have for 1939?

Mr. MOSCRIP. Somewhere around 9,000,000 pounds.

Mr. BULWINKLE. Now, what do those figures show?

Mr. MOSCRIP. Now, those figures show that in the first 5 months of 1942, owing to our attempt to cooperate with the lease-lend program, we have produced 72 percent of our entire 1941 production. Of course, we are going just as strong for the other 7 months; 72 percent in 5 months.

Mr. BULWINKLE. All right, sir. Now, how much did you produce in 1941; how much did you produce for lend-lease?

Mr. MOSCRIP. Now, this will be a matter of recollection. I do not have that figure accurately, but my recollection is that we sold 39 carloads of 200 barrels each.

Mr. BULWINKLE. How much is there in a barrel; how many pounds?

Mr. MOSCRIP. Two hundred pounds.

Mr. BULWINKLE. And 39 carloads?

Mr. MOSCRIP. Yes, sir.

Mr. BULWINKLE. Then for the 5 years—for this year, how much have you sold?

Mr. MOSCRIP. We have sold for this year already 34 cars.

Mr. BULWINKLE. For this year?

Mr. MOSCRIP. Yes; that have been delivered, and I do not know how many we have in the warehouses. There has been a lot of difficulty in connection with transportation.

Mr. BULWINKLE. Thirty-four cars of 200 barrels each, is that right?

Mr. MOSCRIP. That is right.



Mr. BULWINKLE. All right. Did you furnish any to lend-lease in 1940?

Mr. MOSCRIP. No.

Mr. BULWINKLE. All right.

Mr. CHAPMAN. One more question.

The CHAIRMAN. Mr. Chapman.

Mr. CHAPMAN. You stated that you were, or did I understand you to state that you are a dairyman as well as a manufacturer of this dry skim defatted milk product; is that correct?

Mr. MOSCRIP. I am a dairyman. I am not a manufacturer.

Mr. CHAPMAN. As a dairyman—

Mr. MOSCRIP. I am a dairyman and I happen to be president of a cooperative organization which manufactures dried milk solids.

Mr. CHAPMAN. As a dairyman and president of a cooperative organization of dairymen, would you favor removal of the statutory prohibition that prevents the sale of skim or separated milk, if you prefer to call it that, as whole milk?

Mr. MOSCRIP. Certainly not.

Mr. CHAPMAN. You would not?

Mr. MOSCRIP. That is an entirely different question.

Mr. CHAPMAN. That is all.

The CHAIRMAN. Thank you, Mr. Moscrip.

Mr. MOSCRIP. Thank you.

#### STATEMENT OF C. E. GRAY, SAN FRANCISCO, CALIF.

Mr. GRAY. Mr. Chairman and gentlemen; we are dealing here with an infant industry.

The CHAIRMAN. Mr. Gray, will you give us your full name, your occupation, and whom you represent?

Mr. GRAY. I thought that had been put in the record.

The CHAIRMAN. It is in the record, but we would like to have it.

Mr. GRAY. My name is C. E. Gray. I come from San Francisco and am with the Golden State Co., Ltd., of San Francisco, manufacturers and distributors of dairy products; chairman of the board, American Dry Milk Institute, of Chicago, Ill.; and was for 3 years in the United States Department of Agriculture, in charge of Research Dairy Division, Bureau of Animal Industry, and for a period of 10 years from 1929 to 1940 I was a member of the State Board of Agriculture of California.

Now, we are dealing here with the infant in the dairy industry and I think we may properly call it that.

Milk, as we all know, has been one of our best food products for a very long time. I do not know that anyone knows when it was first used. Milk is very perishable. We all know that. Just because it is a good food for human beings, makes it a good food for microorganisms, and for bacteria. It has a lot of water in it and it is bulky, and it spoils very rapidly as such and is difficult to deal with.

There have been efforts for years to preserve at least some of the milk and a very long time ago those efforts resulted in two things, the manufacture of butter and the manufacture of cheese. I will not discuss the manufacture of cheese other than to say that that takes about half of the total milk solids—the fat, and the casein. The butter takes one-third.

And, when the first butter was made then there was skim milk and that was a very long time ago, and that was a product which could not be handled and on account of its perishability, the large amount of water with the solids, it became generally known as a waste or a refuse product of the dairy. That has been going on for probably 4,000 years. I do not know how long, but it is a very long time.

Now, there have been a lot of efforts to remove the water from milk—to dry it. We have records going back two or three hundred years where efforts were made to dry milk, but on account of the large amount of water in it and the perishability, and the nature of it, those efforts were not successful.

It was not until after the beginning of the 19th century that milk was dried successfully. So from that standpoint, it is very new.

The first efforts were to dry it in thin films on a surface and that surface was made into cylinders, that is, a heated cylinder, and milk in thin film was spread on that surface, and the product was dried, and then it was scraped off. That is what is called roller milk. That is milk dried in thin films on a surface and the nature of that drying is such that all of that product when so dried will not go back into water as we originally had it.

And, the next effort, beginning in about 1906, was to reduce fluid milk to an atomized condition, to a fog, and then introduce that fog into heated air and let the hot air absorb the moisture while those very fine particles were in the air and suspended, and that milk in that suspended state in that air dried to a powder, and here is some of the product [exhibiting sample]. This is a product which has the best standing today, and I say that with all due respect to the roller process, because that is a good product, too, but this is the particular product that our allies at this time want in the larger quantities.

I told you that this was a fog dried in air, each little particle being dried separately. Now, just to give you an idea how fine it is [witness blowing powder into air] that is just the way it came out of the air.

Now, it took quite a long time to develop that process. First, after discovering that it could be dried in the air, there were a lot of other problems. You see how that was. The next big problem was to get it out of the air and reassemble it.

This started in 1906. The efforts which were more or less experimental continued, I would say, until about the beginning of our last World War, and in 1916 this country was producing only 16,000,000 pounds in a whole year of all processes. That is the roller process, and the so-called spray process. I do not think spray is the proper word, but you know what it means. It means the product which is produced by atomizing into heated air—not spraying.

About that time England and France began buying from the United States and took all that was produced, so that marketing, after there was some increase in production, was no problem.

That continued until after the war. After the war considerable product was sent to Europe as relief food. England continued to buy until I think 1923 and then at that time New Zealand and Australia began manufacturing. They took processes which had been developed in this country and installed them in New Zealand and Australia and began shipping to England, and also about that time, the bakers began taking a greater interest in the product in this country.



Up to that time the product had gone rather largely to ice cream manufacturers; some to bakers; but the bakers had not really taken hold of it until around 1923.

At that time, the American Institute of Baking became interested in the product, especially through Dr. Barnard, who was then the director. There was some increase in production over consumption and it also developed that we needed more information regarding its use.

There were problems now beginning to arise in its use, problems which before, or up to that time, had been principally in getting it manufactured, making the plans hold together so that we could manufacture it.

Now, in 1925, the American Dry Milk Institute, an organization of the greater part of the manufacturers of the country, was formed, particularly to carry on research work and find just how this product might be best handled by the users.

Mr. BROWN. May I ask a question there?

The CHAIRMAN. Mr. Brown.

Mr. BROWN. Is that milk you are talking of now, all of this processed milk, is that dried milk without butter fat content in it?

Mr. GRAY. Largely without it; very largely without it.

Mr. BROWN. No fats?

Mr. GRAY. I beg your pardon.

Mr. BROWN. But there was both types?

Mr. GRAY. Some of the other product, and I should be glad to refer to that.

Mr. BULWINKLE. I notice on this label here it says, "Not over 1½ percent fat."

Mr. GRAY. Yes. I will be glad to explain that.

Mr. BULWINKLE. Just a minute. That applies to all of the various manufacturers in the different parts of the country?

Mr. GRAY. That is correct.

Mr. BULWINKLE. What is the average amount that there is in it? You have tested this out, have you not?

Mr. GRAY. In the process of centrifugal separation, which is the way in which today we remove the cream from the milk or the fat from the rest of the milk, it is not possible to get it all out. I wish that it were. I wish we could get every bit of the fat out. Then this name would be greatly simplified, by just calling it fat-free milk solids, I think we would be going in good shape and would all be happy about that. That has been suggested, "Why don't you call it fat-free milk" and someone says, "It is not fat-free." That would not be entirely a true statement. It is not fat-free, because we cannot get all of the fat out.

But, that represents the maximum amount that we find in this product. Sometimes it is less than that. It is usually less than that.

Mr. BULWINKLE. That is what I am getting at. How many times do you think that it is usually less than that?

Mr. GRAY. It should be less than that the greater part of the time.

Mr. BULWINKLE. That is what I was thinking, it should be.

Mr. GRAY. That is right.

Mr. BULWINKLE. So it should be the greater part of the time and is practically without any fat in it or over 1 percent?

Mr. GRAY. I would say that the greater part of the time the product does not have more than 1 percent of fat.

Mr. BULWINKLE. Now then, for milk that is intended for tubercular patients, you have to have a greater percentage of butterfat than 5 percent, do you not?

Mr. GRAY. Now, we are talking about two different things.

Mr. BULWINKLE. No; I am not. I am just bringing that in.

Mr. GRAY. I beg your pardon. If there was a desire to have special rich milk for any reason, that is available. There are breeds of cows that give milk with a high percentage of butterfat.

Mr. BULWINKLE. We will take the State of Ohio. What is the law as to the amount of butterfat that is required in the milk that is sold on the market?

Mr. GRAY. I am sorry, but I am not familiar with that.

Mr. BROWN. Four percent.

Mr. BULWINKLE. It is 4 percent. And, this article, you say, the greater part of the time, contains less than 1 percent of butterfat.

Mr. GRAY. That is in the powder.

Mr. BULWINKLE. In the powder.

Mr. GRAY. Now, in the original milk, with which we started, it was only a fraction of 1 percent. It was not 1 percent in the original milk as it came from the separator. One and one-half percent means 1½ percent in 100 pounds of this dried product; a very small amount.

Mr. BULWINKLE. That means a pound and a half to 100 pounds.

Mr. GRAY. That is correct.

Mr. BULWINKLE. And I believe you stated that most of the time it is less than 1½ percent?

Mr. GRAY. Yes, sir.

Mr. BULWINKLE. All right.

Mr. SOUTH. Mr. Chairman—

The CHAIRMAN. Mr. South.

Mr. SOUTH. As a matter of fact, do not those various machines guarantee to remove up to a certain percentage of the fat and can you not give a more accurate statement as to the percentage that is ordinarily removed?

Mr. GRAY. Well, a centrifugal separator may be capable of very complete separation when it is in the best of condition. It would be guaranteed to do certain things under best of conditions, but a centrifugal separator is a rather delicate piece of apparatus. It is a machine that runs 6,000 revolutions.

Mr. SOUTH. I understand that. I am simply asking that, in view of the Major's questions.

Mr. GRAY. Very often. A great deal depends upon how the milk is put through the separators.

Mr. BULWINKLE. In a statement like this, not over 1½ percent, is not quite accurate, according to what you say.

Mr. GRAY. I could not say that it is not accurate. That is the limitation. You can be sure that it is that or less.

Mr. BULWINKLE. Well, that implies to the consumer that he is not going to get over 1½ percent.

Mr. GRAY. It says that; that is correct; but it does not say how much less he is going to get.

Mr. BULWINKLE. All right.

Mr. BOREN. Mr. Chairman.

The CHAIRMAN. Mr. Boren.

Mr. BOREN. What about the practice in the Nation, over the areas in the country in which the machinery that is used might produce

dried milk solids of more than  $1\frac{1}{2}$  percent. Will that  $1\frac{1}{2}$  percent work a hardship as a regulation on a lot of folks?

Mr. GRAY. If it were higher than that?

Mr. BOREN. Yes; could they not put it up to 2 percent, or something like that,  $1\frac{3}{4}$ ?

Mr. GRAY. It is possible that such a thing could occur; that is possible; but I think it is not probable. That is something that would not be done, very often, and I would say that if the fat content were higher than this, it should be so stated on the label. That is, personally, I would be in favor of stating the fat content.

Mr. BOREN. How many manufacturers of this product are there in this country?

Mr. GRAY. I think there are about 450 at the present time.

Mr. BOREN. To indicate what I have in mind at the present, the Pure Food and Drugs Act requires a certain percentage requirement of butterfat. That is checked by the people who produce it and the dealers.

Mr. GRAY. That is correct.

Mr. BOREN. And it has been a common practice of the Food and Drugs Administration to seize carloads of butter; they go in there and sample it—they stop a carload shipment some place and they will sample it and out of 200 tubs of butter, they may find 2 tubs or say a sample of 10, that are a quarter of a percent off of the required minimum—the tendency being, of course, among the various manufacturers to approach as nearly as possible the minimum requirement—and there will be that much too much or less moisture. I am not very familiar with the requirements.

Mr. GRAY. That is correct, 80 percent fat for butter.

Mr. BOREN. But, the practice is such that some particular individual manufacturer might well be constantly harassed by a sort of “gestapo” from the Food and Drugs Administration that deal in minute percentages, figuring the minimum requirements, as have been alleged in some of the hearings, that the Food and Drugs Administration officials have been unduly influenced by certain groups of manufacturers, so far as butter is concerned.

Now, I do not make these charges, but I do say that it has constituted a constant danger, particularly with people in the Middle West where there seems to be a great difference in machinery and types of machinery in making that product.

What I would want to see in this bill before I would vote for it, would be a guarantee that the fundamentals of the thing at least without creating a technical situation, so far as the people in some particular area of the country are concerned, are setting up a sort of another “gestapo” in the Food and Drugs Administration, unless there is something vital to the health of the people of the country—in other words, how much difference does it make to the American people whether there is one-half of 1 percent,  $1\frac{1}{2}$  percent, or  $1\frac{3}{4}$  percent?

Mr. GRAY. Well, unless the user of this product is one who is particularly allergic to butterfat—and I do not know whether there is such a thing—but unless you want the product without butterfat, it does not make any great difference. The amount that is in there is so small that it does not make much difference.

Mr. BOREN. Then why set up the maximum or minimum percentage requirement of butterfat at all?

Mr. GRAY. Because, as I attempted to say, this is not a fat-free product. It is unfortunate that it is not. We cannot get all of the fat out of it. This is set up so as to try to be as nearly accurate in the statement of what it is as is possible and it was just for that that the fat might be somewhat lower than this, and that, I would say, is the reason for that figure of 1½ percent. That gives any operator opportunity to operate without going over that amount which has been set.

Mr. BOREN. Under the present law, you cannot sell a product with this label on it?

Mr. GRAY. I beg your pardon.

Mr. BOREN. Under the present law, you cannot sell a product with this label on it, as I understand it.

Mr. GRAY. As I understand it from just glancing at the label, I will say that under the present rulings of the Food and Drugs Administration that in itself is not sufficient.

Mr. BOREN. What else would be required under the present law?

Mr. GRAY. Dry skim milk, powdered skim milk, or skim milk powder. I believe that would be the case.

Mr. BOREN. You object to the term "skim milk," because you think it connotes something different from what it is?

Mr. GRAY. Yes. I will get to that in just a moment, if I have an opportunity.

Mr. BOREN. Yes.

The CHAIRMAN. I would like to ask, under the present regulations, what percentage of fat is permitted in the dry milk product?

Mr. GRAY. The whole milk product?

The CHAIRMAN. The skim or separated milk product.

Mr. GRAY. So far as I know, fat is not referred to at all. The measure there is a maximum moisture specified at 5 percent, but I believe there is no fat reference in the regulations until we get into the whole milk, and that I believe is 26 percent.

The CHAIRMAN. So, as you understand it at the present time there is no regulation prohibiting any percentage of fat in this dried skim or separated product?

Mr. GRAY. As I recall there is not. It might have 10 percent fat content and still be called dried skim milk, so far as I am aware. That would not be very profitable for the manufacturer.

The CHAIRMAN. So this product is made by eliminating water and incidentally part of the fat from the original milk.

Mr. GRAY. This product is made first by passing the whole milk, as it comes to the factory, through the centrifugal separator, removing the fat as cream, then removing the water from the milk from which this cream or fat has been removed.

The CHAIRMAN. So I take it that the object of the Administration is not to indicate the need of protecting the public so far as the presence of fat is concerned, but to warn the public on account of the absence of fat; is that correct?

Mr. GRAY. I should say so.

Well, the Food and Drugs Administration, so far as I know, have not said anything about fat. They said just call it dry skim milk. That is the object of skimming, to get the fat out.

The CHAIRMAN. Well, the inclusion of the fat requires the statement that the fats are retained, but only a percentage of the fat.

Mr. GRAY. I beg your pardon?



The CHAIRMAN. I say, a revelation of the facts requires that the label show that the solids are retained, except a part of the fats which are not retained.

Mr. GRAY. That is correct. Call the product dry milk solids and then just specify how much fat there is there.

The CHAIRMAN. The problem here is to get words to do that.

Mr. GRAY. Yes. May I proceed?

The CHAIRMAN. Yes.

Mr. GRAY. We have this situation now up to the formation of the American Dry Milk Institute and the great interest on the part of the bakers in our product, and I am referring now to the product with the very small amount of fat in it; the product from the separated milk. That is the thing I am talking about.

Mr. BROWN. Mr. Chairman——

The CHAIRMAN. Mr. Brown.

Mr. BROWN. I would like to ask this one question: Which would be the best milk, dried milk—that is, for human consumption—dried milk in which the butterfat had been removed, or the 1½ percent or less, or dried milk from which all of the butterfat has been removed, or dried milk in which all of the butterfat remained?

Mr. GRAY. Which would be the more valuable product?

Mr. BROWN. Yes.

Mr. GRAY. The more valuable product would be the product in which all of the butterfat was present. However, there is another point of view to this thing. Putting whole milk into bread is the best way of losing butterfat that I know of. The ideal thing from a food standpoint is to put the nonfat solids into the bread and then spread the butter on the bread. That is the ideal situation. And then we have not lost the flavor.

Mr. BROWN. One other question. Is it not more difficult to keep dried milk edible with butterfat in it than without the butterfat in it?

Mr. GRAY. Very much more difficult. The problem of making a dried whole milk is the oxidization of the butterfat. We have this fat very finely divided. You know how finely it is divided. You saw that little demonstration.

Mr. BROWN. Four-percent milk as we discussed it, or 3½ percent milk, which is the standard in the District of Columbia, means that the whole milk, fluid and all must be 3½ percent butter fat. Is that not correct?

Mr. GRAY. That is correct.

Mr. BROWN. But this 1½ percent that you speak of here is the 1½ percent of the dried solids and not the liquid milk.

Mr. GRAY. If this product were dried whole milk it would have at least 26 percent of butterfat in it; at least 26 pounds per hundred.

Mr. BROWN. In other words, what I am driving at is this, that the 1½ percent you refer to would be 1½ pounds out of 100 pounds of dried substance.

Mr. GRAY. Correct.

Mr. BROWN. But that the 4-percent milk that we are talking about, or 3½ percent as we buy the bottled milk, means that there is 3½ or 4-percent butterfat in the total weight of that liquid milk?

Mr. GRAY. That is correct.



Mr. BROWN. Therefore,  $1\frac{1}{2}$  percent of this product is much less than the  $1\frac{1}{2}$  percent in fluid milk would be?

Mr. GRAY. Very much less.

The CHAIRMAN. You may proceed.

Mr. GRAY. Now, we have the baker becoming interested in this product, and the American Dry Milk Institute solving some of the production problems as to how best to make the product for the baker, and from 1925 to 1939, the business has grown greatly upward. We have had a very nice increase in business.

Now, why did the baker use it and why did the ice-cream manufacturer use it, and why did the sausage man use it?

Mr. BULWINKLE. What was that increase?

Mr. GRAY. From 1925—I will just give you the round figures—73,000,000 pounds.

Mr. BULWINKLE. Now, skip to 1935.

Mr. GRAY. Well, I will go to 1938. That was the peak—449,000,000 pounds. That was the peak.

Now, why did all of these processors use this product? Was it because of the nutritional value they were telling their customers about? It was not. It was because the product improved their particular product. It was because it made the loaf of bread appear better; made a better crust; made a better crumb; and during this period slicing bread came along.

Mr. BOREN. I want to ask a question.

The CHAIRMAN. Mr. Boren.

Mr. BOREN. You say it improved the product?

Mr. GRAY. That is correct.

Mr. BOREN. Let me ask you a question right there. I have noticed particularly in ice cream in different sections of the country the evident lack of richness of flavor because of the evident removal of what we call cream in our country. They make it of powdered milk, which I presume we are talking about here.

Is not the real reason that the ice-cream manufacturer and bread manufacturer uses dried skim milk or fat-free milk is because it is cheaper?

Mr. GRAY. What we call richness in milk and richness in ice cream is a combination of both. It requires both in fluid milk. Richness to the taste is dependent not upon fat, but upon solids; not upon fat alone.

Mr. BOREN. Is not the real reason that the ice cream manufacturer who would use this type of product in preference to a product that has the fat in it would do so because this type of product is cheaper?

Mr. GRAY. Because of what?

Mr. BOREN. Cheaper in price.

Mr. GRAY. The reason that the ice cream manufacturer uses more milk solids, not fat—and by the way, the ice cream people call it serum solids, not skim milk solids—is that it gives a better body to the product.

Now, that does not mean a lot of fat. As a matter of fact, practically all of the States of the United States regulate the fat content of ice cream and these additional milk solids, not fat, are really put in their gratis.

We have a more nutritional product without the consumer being charged for it, but just as with the baker, it does produce a superior product.

And I will hurry on, if I may.

Mr. BULWINKLE. Yes; but before you run on, would you mind lending me the paper that you started to read from just now? Just let me see it.

Mr. GRAY. Yes, sir; these are the figures I was reading from.

Mr. BULWINKLE. Yes.

Mr. GRAY. Now, I am trying to get at this point—why did these processors use this milk? Because it improved their products.

Now, the next question is, Did it improve the product nutritionally? The answer is, it did. It improved bread very greatly, and the bakers have been putting in 6 pounds of this product to 100 pounds of flour. That improves the product of white bread very greatly. It increases the vitamin content; it improves the mineral protein content.

Mr. SOUTH. Mr. Chairman.

The CHAIRMAN. Mr. South.

Mr. SOUTH. Mr. Gray, I certainly do not want to interfere with the means you are using in presenting your case, but under either theory of the case they would continue to use it, and would you be able to hurry on and get into the actual question that is involved here? The bakers' use of what you call skim milk, or something else, and, they all do want to use it.

Mr. GRAY. May I get at that?

Mr. SOUTH. Yes.

Mr. GRAY. I think this is very important. I regret taking the time, but I think it is very important.

Mr. SOUTH. You understand there is a certain limit to the time which the committee has.

Mr. GRAY. During this whole period, the baker has not said to his customer, "I am putting dry skim milk in the bread." The bakers will just not do that.

We have had repeated requests from bakers to ship our product without labels on them, and when we asked why, they said, "We take visitors around through our factory and we do not want them to know we are using dry skim milk in the bread."

That is the attitude that they find of the public toward this product.

We had a very large baker in the West who was ready to put on a large campaign, large advertising campaign, in connection with what has been attempted by the Bureau of Home Economics, United States Department of Agriculture—school lunch bread—and that bread has in it 12 pounds of this product for every 100 pounds of flour, and it is an excellent product. It makes wonderful bread. And, they put this out and found that it was going, and they wanted to advertise it. They had their advertising material all ready, and it was all ready to go, and they were going to call this "milk solids" or "nonfat milk solids." I do not remember which it was. They were not going to call it dry skim milk. Why were they not going to say that they put in 12 pounds of dry skim milk for each 100 pounds of flour? Well, their attorneys said to them, "we had better look into this. Let us submit it to the Food and Drugs officials." And, they submitted it to the Food and Drugs officials, and they said, "No, you must label this so much dry skim milk if you label it at all." So, they did not put on their campaign.

Now, this development has come about without saying a word to the public regarding it, of what is in it. It has come about just because of the improvement of the product.

Now, the next question is, does the consuming public, as such, do the people of the households of the United States, know about this product? The answer is they know almost nothing. Some people have heard of dry milk or dry skim milk. A few may have seen it, but it has been in very few households of the United States.

The next question is, has any attempt been made to sell it to the people of the United States in the households? As to that, the answer is "yes"; up to this time they have not been able to sell dry skim milk. That is probably one of the reasons why these efforts did not succeed.

Now, someone said at the time of the hearings on this question of name, somebody in their testimony said that all intelligent people knew or know now the value of skim milk. I admit that everybody thinks that they know what skim milk is. Most of them are wrong. Most of them are thinking the wrong thing.

But somebody said all intelligent people, and especially people in domestic science schools and with domestic science training, know what this product is. The next Sunday I happened to be visiting here at a home in Washington. The man is a mining engineer and his wife is a graduate in home economics, and I think taught home economics for a period of time. I said to them, "What would you think if you got a loaf of bread labeled 'This product contains dry skim milk?'" And the wife immediately said, "I would think we were getting something cheap." The husband said, "I would think we were being gypped."

Now, that I think is a fair sample of the thoughts of intelligent people, and we have got lots of those. The very fact that the bakers will not take a chance on advertising this dry skim milk, I think, indicates that they know what the situation is.

Now, I have brought this up to 1939. We were going up, to that time, or 1938, and then we started downward, and we are up to the point, in my judgment, where this product must be taken to the people of the country if it is to be expanded in a large way. It is a wonderful product. It is a product that the people of the United States need.

I think that the greatest consideration here after all is the consumers. I have the greatest regard for the dairymen. I know what their problems are and what their needs are; but after all, the greatest contribution that can be made is taking this product to the consumers of the country, and there are plenty of them, or there may be plenty.

Now, as Mr. Moscrip has said, we are developing a very much increased production to take care of this lend-lease. We are going to have a problem before us and we do have a bad name. There just is not any doubt about that. I can give you a lot more examples. I am sorry that we have not got time. But this word "skim milk" as you know, is a depressing term. You find it every day, almost every day—the words skim milk used as a term of depreciation. I will just give you a few of the examples that I have right here. Here is something Kiplinger said. He says "The cream of the product has been skimmed."

Here is an advertisement in the Country Gentleman which says "Advertisers figure that even the 'skim milk' of city business is more profitable than the cream of the agricultural markets."

And then here is another advertisement, "Do you want the cream? Does the skim milk satisfy your needs?"

And there are a number of them here, as you will see.

Mr. BULWINKLE. The dairymen are partly responsible for starting all of these things?

Mr. GRAY. I would say so, but regardless of who is responsible, we have a problem here. We have a very young product. We may have gone wrong, and the people of the country as yet do not know this product; that is, as a dry product. I think everyone thinks they know what skim milk is. As a matter of fact, no one knows what skim milk is.

Mr. BOREN. One question.

The CHAIRMAN. Mr. Boren.

Mr. BOREN. Doctor, is there anything written into the law itself that requires that you use the term "skim milk" in your advertising?

Mr. GRAY. Requires what?

Mr. BOREN. That you use the term "skim milk"? Is anything written into the law itself requiring that?

Mr. GRAY. I have the impression that under the present law I cannot answer that.

Mr. SOUTH. It is an administrative matter.

Mr. BOREN. If it is an administrative matter and there is nothing in the general law fixing the labeling, but only requires the label to tell the truth, why have you not appealed the decision of the Administrator?

Mr. BULWINKLE. He did.

Mr. CHAPMAN. They appealed it and got a decision from the circuit court of appeals, unanimous decision, upholding the Administrator.

Mr. BOREN. Did you go through the district court?

Mr. BULWINKLE. It was not necessary.

Mr. CHAPMAN. No; we have a court review provision which provides that they go to the circuit court of appeals.

If you will pardon me, Mr. Boren, in connection with the question, you may have overlooked the fact that the statute provides that the common and usual name shall be used.

Mr. GRAY. Now, if I may just continue.

Mr. CHAPMAN. May I ask; is it not true that the common and usual name is skim milk?

Mr. GRAY. Of what product?

Mr. CHAPMAN. Of any product made of skim milk.

Mr. GRAY. I think not.

Mr. BULWINKLE. Any milk without butterfat in it.

Mr. CHAPMAN. Yes, any milk which has had the butterfat taken out of it.

Mr. BULWINKLE. Any milk from which the cream has been removed.

Mr. GRAY. I have said to you that the processors are the largest users of this product, and what they say if they want a quantity, a barrel, 5 or 10 barrels, or a carload of this product, what do they ask for? They ask for dry milk. If they wanted a product containing all of the fat they would ask for dry whole milk.

Mr. CHAPMAN. If they ask for dry milk, does that not imply whole milk?

Mr. GRAY. Well, if there are no qualifications as to the proper content.



Mr. CHAPMAN. That is not the question which I asked you. You were talking about building up sales among the consuming masses of this country. Then I asked you whether or not the common and usual name for it in the mind of the housekeepers to whom you intend to sell it is skim milk.

Mr. GRAY. They do not know this product. The common and usual name of the fluid milk from which the cream has been removed is probably skim milk, and that is the product that they think is almost valueless. They think that is something worth just a little bit more than water.

Mr. CHAPMAN. What would you think of a provision requiring that it be labeled as dry milk which contains not more than  $1\frac{1}{2}$  percent cream?

Mr. GRAY. Well, cream, of course, is a variable term. Fat is a definite thing, but cream is a variable term. When you say cream, you are not thinking of something definite.

Mr. CHAPMAN. What does the usual consumer or housekeeper of the country refer to, cream or fat, when he is referring to what comes on the milk?

Mr. GRAY. Cream or fat?

Mr. CHAPMAN. Cream or fat—does the average housekeeper say that he is putting cream in his coffee or does he say he is putting fat in his coffee?

Mr. GRAY. I would say that so far as the housekeepers are concerned, the word "cream" is used.

Mr. CHAPMAN. Then, with the people we are talking about, that would be the common and usual name?

Mr. GRAY. That is not a definite thing.

Mr. CHAPMAN. We are talking not about any scientific name; we are talking about the common and usual name, among the consuming public in this country. Would they commonly refer to putting cream in their coffee, or fat?

Mr. GRAY. Cream, of course. There is no argument about that.

Mr. CHAPMAN. Then that makes that the common and usual name?

Mr. GRAY. For that product, which is skimmed off.

Mr. CHAPMAN. After the cream has been removed, would they not call that skim milk, and is not that the common usual name as used by the average housekeeper?

Mr. GRAY. I think that is it, and I think that is the thing, and they have a very poor regard for that product. They believe it is something having a value just a little bit above water, generally, and is generally waste of the dairy, but why try to reeducate the consumers of the United States. There are a lot of them. Why do that? Why not at least start with zero and go from there?

Now, just one other word. This product has been going over to England. They did not have the courage when it got over there to call it dry skim milk. I understand they called it "household milk."

Mr. CHAPMAN. Maybe they need a new law over there for the protection of the public similar to the one that was reported out of this committee and enacted 4 or 5 years ago.

Mr. GRAY. To have a good name, I believe, is more to be desired than great riches, and that is what we are looking for here, a good name.



The CHAIRMAN. The committee will stand in recess until 2:30.

(Thereupon, at 12:01 p. m., the committee took a recess until 2:30 p. m. of the same day.)

## AFTER RECESS

(The committee resumed at 2:30 o'clock, pursuant to recess.)

The CHAIRMAN. The committee will come to order. Mr. Gray, did you have anything further to say?

Mr. GRAY. For the purpose of the record I think it might be well to submit this table that some of you saw, showing the production from 1916 to 1940, with an estimate for 1941, and direct attention to the fact that the trend was, as I have already stated, gradually upward until 1939. At that time there was a falling off. There was a larger production in 1940, and quite a little of that was carried over into 1941, later purchased, early in 1941, by Lend-Lease.

The CHAIRMAN. How do you account for that falling off?

Mr. GRAY. That was a falling off in sales.

The CHAIRMAN. That is what I mean; how do you account for that?

Mr. GRAY. Then there was a further falling off in 1941, and there has been a falling off in sales this year.

I would account for that in two ways: the purchases by Lend-Lease, in large quantities, have resulted in higher prices. Then we have the so-called enriched bread with the vitamins in it, and bakers have that additional expense of adding vitamins. They are advertising that product as enriched bread and some of them are leaving out the milk, without doubt, on account of that program.

I want to submit that table, directing attention to the fact that in 1941 the production was still down. It is still coming down. Lend-Lease purchases of other milk products had a bearing on that. The probabilities are that this year the production, on account of Lend-Lease purchases, will advance very materially and the indications are at this time that Lend-Lease wishes at least 200,000,000 pounds for shipment to the allies, and there is an intimation that it may be 150,000,000 in addition to that, or 350,000,000 pounds. So that if that program is carried out, we are going to be confronted with a very large amount of product to be taken care of at some time, and no one knows just when.

(The table referred to is as follows:)

*Production of dry milk solids*<sup>1</sup>

[United States Department of Agriculture figures except as indicated]

	Pounds		Pounds
1916.....	16, 463, 000	1929.....	207, 579, 000
1917.....	22, 624, 000	1930.....	260, 675, 000
1918.....	26, 202, 406	1931.....	261, 938, 000
1919.....	34, 945, 416	1932.....	270, 194, 000
1920.....	41, 893, 000	1933.....	288, 114, 000
1921.....	38, 545, 718	1934.....	294, 935, 000
1922.....	40, 617, 000	1935.....	297, 506, 000
1923.....	62, 251, 000	1936.....	349, 550, 000
1924.....	69, 219, 000	1937.....	372, 203, 000
1925.....	73, 317, 000	1938.....	449, 291, 000
1926.....	91, 718, 000	1939.....	408, 380, 000
1927.....	118, 123, 000	1940 <sup>2</sup> .....	481, 742, 000
1928.....	147, 996, 000	1941.....	474, 500, 000

<sup>1</sup> Not over 1½ percent fat.

<sup>2</sup> Preliminary figures released October 1941.

In addition to the testimony that I gave, I want to submit additionally this statement and exhibits therein.

The CHAIRMAN. Very well; thank you.

(The statement referred to will appear in the revised edition of this hearing.)

The CHAIRMAN. Mr. Iverson.

#### STATEMENT OF C. A. IVERSON, IOWA STATE COLLEGE, AMES, IOWA

Mr. IVERSON. My name is C. A. Iverson, for 27 years a member of the staff of the dairy industry department of Iowa State College, the last 4 years at its head; for 10 years as president of Linder-Iverson Co., with dairy plants in various parts of Iowa.

In the State from which I come we produce enough butterfat on our farms to make between 200 and 240 million pounds of creamery butter per year. That is our large dairy product. Incident to that, for every pound of butter it has been estimated we produce 18 pounds of separated milk. In other words, there is produced, incident to creamery butter manufacture in the State of Iowa, approximately 388,000,000 pounds of milk solids other than fat. What is done with these solids? Well, for the most part they are fed to the hogs. That is the best thing we can do with them under the circumstances, but it is almost as wasteful as was the killing of cattle for the hides, as occurred in Texas years ago.

Why that waste? Is it because of the low feeding value of these solids? To the contrary, they are among the most valuable foods known to man, and as man changed from savagery to the hunter, to the farmer, and finally to the city dweller, these milk solids have in part enabled him to make that transition fairly adequately insofar as nutrition is concerned.

My people chased the Indians out of South Dakota, so to speak, and as a boy I recall sitting on the roof of the barn and watching the Indians go by from one reservation to another. My people pitied the poor Sioux Indians who ate all parts of an animal. But they did not need to pity him, because he was wiser than we, and with our refined foods we have steadily gone down, from the standpoint of nutrition.

My people colonized South Dakota, a very vastly more difficult country to colonize than, for instance, New England. There, however, half of the children died the first year, including all of the children under 2 years of age, because they had no milk. Our people were fortunate in that they carried along cows behind their covered wagon. So that milk has enabled us, then, to change from hunters to city dwellers.

The refined foods we have introduced into our diet have almost been our undoing, however. A short time ago I went over to our own nutrition department at the college, and asked them for a diet which would show the value of milk; a diet to which milk could be added. A county agent had written in and asked me to do that for him. I asked our nutrition people if oatmeal with water, then oatmeal with milk, would do the job. She said, "Why don't you use our ordinary American diet? It is the world's worst." I said, "What do you mean?" She said, "Meat, potatoes, and apples, which is characteristic of Iowa, is one of the world's worst."

And certainly we could show great improvement by the addition of milk to that diet.

So also when we take wheat and add to it the whole of the grain, instead of just the white flour. In other words, if we use the whole wheat and then add to that milk solids in the form of dried milk, and then on top of that put butter, we will have an almost perfect food.

The Government has recently recognized that because they are now including  $4\frac{1}{2}$  pounds of these dried milk solids for every 100 pounds of flour which is purchased for the Army bakeries, recognizing the value of these solids.

Why is it, then, that in Iowa we are using most of this 388,000,000 pounds of valuable human food for hog feed? It is partly due to lack of knowledge and appreciation of the value of these products on the part of the people. - But in part it is due to feelings created by prejudice against skim milk. And in this connection I want to read a letter which I wrote in 1939:

The development of terminology for condensed and particularly dry milk products has been a most interesting one as has also been the rapid development of the industry itself.

During the earlier years the terms "milk powder" and "powdered milk" were used. Later the terms "dry milk" or "dried milk" evidently conveyed to the users of these products more evidence of the fact that they were wholly milk products than did the term "milk powder." Due to improved keeping qualities and other factors, the production of dry skim milk quickly oustripped that of dry whole milk, and in this field it was natural to use the term "dry skim milk" as the product was used for industrial purposes by people who were familiar with the nature of the product and the great nutritive values in skim milk. This means of identification of the serum solids of milk proved fairly satisfactory during the earlier stages of the development of the industry.

Now that we come to a period when it becomes desirable to show that manufactured products contain the desirable serum solids from milk, the use of the former term "dry skim milk" becomes a handicap. The city consumer who has been made conscious of such terms as "the cream of the crop" and that early entrants in any field, investment and otherwise, "skim the cream off," finds that his idea of skim milk is rather hazy and that instead of realizing the tremendous nutritional values which lie in the skim milk, he thinks of it as a term of derision. The use of the term "skim milk powder" on a food product would be enough to condemn the product even though it was by this term that the serum solids of milk was first known. This would mean that the producer of bread, for instance, would discontinue the use of milk solids in his product, which would in turn deprive the bread consumer of many dietary essentials, such as high quality proteins, minerals, and certain vitamins, and also eliminate a great source of income for our dairy farmers. In the case of ice cream, since the words "skim milk" used in the label would be disastrous, the ice cream manufacturer would turn to condensed whole milk as a source of added solids to the end that the composition of the ice cream would be the same but the manufacturer of milk solids in the dry form would find his product eliminated.

So that this labeling undoubtedly has mitigated against the use of the product.

It has already been brought out by Mr. Gray that the production at the present time is at the insistence of our Government. At the present time, in other words, we are producing a tremendous amount, and many of us are concerned with the sale of these materials when they are again turned back to civilian use.

What can be done, then, along this line? Well, first of all, we might conduct an educational campaign in nutrition. And that is being done at the present time. The Federal Security Administration is doing a notable job in this connection. More people are now talking about nutrition than any other subject, even the war effort itself.



I happen to be a member of the Iowa State Nutrition Committee, and we are very proud of the work which is being done along that line. Incidentally, my fellow members on that committee want to know why it is that this product is not available to them on the market, and I tell them it is pretty largely a matter of industrial use, that is, the dry milk solids are used in the production of other foods and are not sold as yet for direct consumption. I would estimate that not more than one-half of 1 percent of the total production of dry milk solids goes to the consumer in that form.

Then we might also conduct educational and advertising campaigns on the part of the industry. The National Dairy Council, for instance, is doing a very fine work along that line. The American Dairy Association, formed a little more than 2 years ago, is doing a lot. Our own Dry Milk Institute is also doing a notable job.

It has been suggested that we should rely entirely upon such educational campaigns in order to overcome this prejudice, and maybe we could do that, but the job looks to me almost overwhelming.

In the case of some other food products we have been able to do that. For instance, in the case of liver, which used to be thrown away, today is one of the highest-priced meats. My wife tells me our family can only afford it a couple of times a week. That is due to the fact that we found in liver some unusual food elements and values. But when we come to recognize the amount of dry-milk solids that a cow produces and compare them with the amount of liver which is produced the difference, of course, is enormous, and it is doubtful whether we can do that alone.

Secondly, we may change the name, and I think that would be of great value. In other words, the use of the term dry-milk solids.

I have in mind there two or three other examples. For instance, in the matter of dried beef. I told you about our Sioux Indians out in South Dakota who ate the entire animal, entrails and all. And they were wise in doing so. Now, then, dry beef, or dried beef, ought to be the entire carcass of the animal. Instead of that we take the lean meat out of the beef and dry it, and so we have the common usage, then, of the term "dried beef."

This question of the use of the term "skim milk," it seems to me is one that maybe we ought to go back a little bit and see about its usage. The term "skim milk" has been used for a long time. Originally it was used to mean that we put milk in shallow pans, and then we allowed that pan to stand until the cream rose to the surface, and then the cream was skimmed off with a skimmer and put aside.

The skim milk was high in bacterial count, because it stood at relatively high temperatures for a long time, and considerable lactic acid would develop. You could not use that skim milk in the production of this product today. It just would not stand the process. In the first place, if you tried to put it through the machine it would coagulate on account of the lactic acid present, and you could not spray it by this process. If you took what was originally known as skim milk and put it through the spray drier, it is not practical, it could not be done, because when you heated that milk up to a temperature sufficient to put it through the spray it would have coagulated. Also the product would not be desirable on account of the growth of bacteria in the product during the time the cream was rising to the surface.



The CHAIRMAN. Do you mean to say you could not make this product from skim milk?

Mr. IVERSON. You could not make this product from skim milk as we originally knew skim milk.

The CHAIRMAN. What is the mechanical difference in the way skim milk was made then and the way it is made today?

Mr. IVERSON. This product was made from separated milk. Milk that came in in a perfectly sweet condition and was separated immediately into cream and what we commonly call skim milk in the plant, and was dried immediately, without the formation of any lactic acid or the development of bacteria. But originally skim milk was made by setting the milk in shallow pans, allowing it to stand for 24 or 36 hours and then skimming the cream off the top. The resultant skim milk which remained could not be used to produce this quality of product.

The CHAIRMAN. Would there be any change in vitamin content of that milk that stood for that length of time?

Mr. IVERSON. I doubt that there would be much change in vitamin content, but there would be a tremendous development of bacteria, which would have a deterrent effect upon the quality, and also the lactic acid which is produced would mean if you heated that skim milk up to the temperature used in the production of this product, the lactic acid would cause it, in all probability, to coagulate.

The CHAIRMAN. You contend there is a difference in the quality of the milk that makes this product and the milk that makes skim milk?

Mr. IVERSON. That originally made skim milk.

The CHAIRMAN. And that difference in quality is due to the method of manufacture, I take it.

Mr. IVERSON. That is right. There were two methods used in the production of skim milk; one was the shallow pan method. The other was the water-dilution method, where the original whole milk was diluted with an equal volume of water and that diluted milk and water was allowed to stand until the cream rose to the surface. And again it was skimmed off, and again this skim milk was highly inferior and would not make this class of material.

Mr. BULWINKLE. Was it ever tried?

Mr. IVERSON. No; because that method went out before this spray process came into the picture.

The usage of that term has been carried on down. For instance, we now use the term "skim milk" as applied to separated milk because we originally called the like material skim milk.

I had this noon for lunch some buttermilk. That buttermilk never saw a churn. It was made by culturing separated milk. It had a lactic flavor, it was thick, and I liked it. I bought it, I knew what I was getting, but it was not buttermilk; it was cultured skim milk, separated milk. It was on the bill of fare, however, as buttermilk, and I bought it.

So that the material which is used to produce this is not our original skim milk any more than the material I bought this noon for butter milk was buttermilk. We have simply persisted in the use of the terminology there in the industry because of using like materials.

Mr. CHAPMAN. It is true, is it not, that the common and usual name, as required by the Food, Drug, and Cosmetic Act, is skim milk?

Mr. IVERSON. For that product.

Mr. CHAPMAN. You have stated, without putting it into so many words, that the term "skim milk" is still in common usage throughout the country.

Mr. IVERSON. Yes, sir.

Mr. CHAPMAN. For what you call separated milk?

Mr. IVERSON. Yes, sir.

Mr. CHAPMAN. That is the common and usual name?

Mr. IVERSON. Yes, sir.

Mr. CHAPMAN. Have you ever given any consideration to the question of designating it as dry separated milk, in as much as you do not like the designation dry skim milk, since apparently there is a difference between the two?

Mr. IVERSON. I had not thought of that, sir.

Mr. CHAPMAN. That would be less misleading, would it not, than some other designation that might be applied?

Mr. IVERSON. I don't think it would be any less misleading than the name which is proposed.

Mr. CHAPMAN. The name which is proposed is also misleading, is it not?

Mr. IVERSON. Unfortunately, I think there is no term that exactly fits the situation.

Mr. BULWINKLE. Well, then, would you say that on a label that when you use the term "milk" that that means the sweet milk of cows?

Mr. IVERSON. I would say it meant dry-milk solids from sweet milk.

Mr. BULWINKLE. I am talking about the definition in this proposed bill. Just suppose this bill is passed, would you say that "the term 'milk' when used herein means the sweet milk of cows"? That is, when it is applied to this?

Mr. IVERSON. No. It says the product resulting from the removal of fat and water from the milk.

Mr. BULWINKLE. No; it says, "The term 'milk' when used herein means the sweet milk of cows." I am reading from the tenth and eleventh lines of the bill. Can you tell me how, in the name of goodness, it is fair to the public to pass a law to say that a dry milk, in which the great part of the butterfat has been removed, practically all of it, is the sweet milk of cows? That is what you are asking us to do, to declare that that de-fatted milk, from which you have removed the fat and water, is the sweet milk of cows. Do you think that is fair to the public?

Mr. IVERSON. I think it is as fair——

Mr. BULWINKLE. I am not asking you if it is as fair as something else by comparison. I am asking you the direct question, is it fair to the public?

Mr. IVERSON. I would say that this bill is fair.

Mr. BULWINKLE. I am not asking you about the whole bill, but I am asking you about the definition that is in the bill of milk.

Mr. IVERSON. What part of the bill?

Mr. BULWINKLE. I come back to line 11: "The term 'milk' when used herein means the sweet milk of cows." And this has been de-fatted and de-watered. All right, you can't answer it. Let us pass along, Mr. Chairman.

The CHAIRMAN. It seems to me the explanation of that is perfectly plain. On line 7 it refers to these dry-milk solids to be made from

milk. In line 11 it defines what kind of milk is intended. It means the sweet milk of cows. There is no dispute about this being sweet milk, and it is from a cow. So I don't see any point here.

Mr. BULWINKLE. I am asking about when it says "when used herein." That is what they mean to put on the cans.

Mr. IVERSON. Mr. Chairman, it has been called to my attention that line 11 is merely to define cow's milk as differentiated from other types of milk.

Mr. BULWINKLE. All right; now I am getting what I want. Just as certain as that is put in this form, you and I both know that all the advertising matter will contain this, "this is sweet milk from the sweet milk of cows." Don't you know that?

Mr. IVERSON. No, sir.

Mr. BULWINKLE. I have seen it happen before.

Mr. IVERSON. There is one point with regard to the usage of these terms that I think ought to be brought to the attention of this group, and that is as to the use of this term skim milk, and that is that it is the old term and it has been carried on down.

There is another angle to the thing which I think is pertinent to this question, and that is the matter of the general usage of the term, and I quote from the Practical Standard Dictionary, by Funk & Wagnalls, 1939 edition:

Skim milk: Milk from which the cream has been removed. Often used as a type of inferiority.

And it is that contention that I would like to make here, that our farmers in Iowa are in part denied a market for that product which is so needed by our people in the cities to enable them to stand these terrific shocks, nutritionally speaking, that come from eating meat, potatoes, and apple pie. Our farmers need a market for the milk solids; the city dweller needs the product. But if he sees a label, for instance, ice cream, which contains this item "made with dry skim milk" he will say, "Oh, I just don't want that."

The CHAIRMAN. Is this due to any misrepresentation in this word "skim?"

Mr. IVERSON. I think it is due to the fact that the consumer carries into his thinking this idea of inferiority which is so common and which is expressed here in Funk & Wagnall's Dictionary, and I think that, in his mind, influences him against the use of this material.

The CHAIRMAN. If skim was the correct definition, regardless of what it is, you could not object to it, because the people would know what it was. If skim milk properly describes what the product is, there could be no objection to it, could there?

Mr. IVERSON. There are two things; first of all, he has no conception of what skim milk is, and, second, he is influenced by his original conception of the meaning of the term.

The CHAIRMAN. Is there exception to the use of that term as it presents itself to the average consumer?

Mr. IVERSON. Yes. He just says, "I don't want any skim milk."

The CHAIRMAN. As to the quality? I take it there are two objects to this standard; one is as to the identity, and the other is as to the quality. In the first place, the question may arise, is this a proper means of identifying this product, to call it a product of skim milk?

Mr. IVERSON. I do not believe it is in the true meaning of skim milk; and, second, from the standpoint of quality, it no longer identifies the



product. I think on the basis of both those things, we could very seriously question the labeling.

The CHAIRMAN. Would you say it is or is not a truthful representation of the quality of the product?

Mr. IVERSON. Not when we consider the original terminology skim milk, it is no longer truthful.

The CHAIRMAN. Just what do you mean by that?

Mr. IVERSON. I mean that the skim milk that was originally produced is not fit to produce this class of material.

The CHAIRMAN. Are you a chemist?

Mr. IVERSON. I am not what you would call a chemist, although I have a lot of chemical background. Dairying is made up of a number of fundamental sciences, chemistry, bacteriology, and physics.

The CHAIRMAN. In making skim milk, what was commonly known as skim milk, as compared with separated milk, is there a difference in quality between the two products?

Mr. IVERSON. Yes.

The CHAIRMAN. Why would that be so?

Mr. IVERSON. Because in the original skim milk you allowed the skim milk to stand in order for the separation to take place, and in the time elapsed, the development of bacteria and also lactic acid would render that milk unfit for the manufacture of this product.

Mr. BULWINKLE. Doesn't the common acceptance of the term "skim milk" mean milk from which the cream has been removed?

Mr. IVERSON. Yes.

Mr. BULWINKLE. Isn't that just a common proposition?

Mr. IVERSON. It is a derivation.

Mr. BULWINKLE. Whether it was poured off, as my mother used to do, or whether it was skimmed off?

Mr. IVERSON. Just the same as in the case of the buttermilk which I had for lunch; just because it had a lactic flavor it was called buttermilk. It never saw a churn. We commonly designate lactic acid products as buttermilk.

Mr. BULWINKLE. Haven't you seen, in your time, when they just turned the pan up and poured the cream off?

Mr. IVERSON. Instead of using a skimmer? No, I have never seen it. My contention is this matter is of importance to two people; one is our Iowa farmer who has to feed this material that the public is craving so for, for whom it is necessary, to the hogs. This material is necessary to these people if we are going to stand this civilization in our cities. We have got to have these milk solids for our people.

Mr. BULWINKLE. You said this was a matter of education, a matter of educating the public.

Mr. IVERSON. But why try to educate them over this tremendous barrier?

Mr. BULWINKLE. Why try to educate them against the common acceptance of the term?

Mr. IVERSON. Here is a man down here in Washington that needs these milk solids. He goes up to a place where they serve ice cream, and on the label it says it is made with dry skim milk, and he says, "I don't want it." He goes to another place to buy a loaf of bread, and the label says it is made with dry-skim milk. He says, "I don't want it." In both those places, then, the manufacturer leaves the dry-skim milk out of his formula and the consumer is then short changed.



Mr. BULWINKLE. It would be all right, then, to say milk from which the cream has been removed?

Mr. IVERSON. I wouldn't care what you called it, but don't call it skim milk.

Mr. BULWINKLE. That is just what it comes down to.

Mr. IVERSON. This man needs it so desperately. In a survey which just came out, reported on in December, in 1,500 families in 5 cities, 44 percent of the adult men and 49 percent of the adult women, drank no milk. If they are going to get milk, they have to get it in some other form, in ice cream or in bread or other sources, and if you put this skim milk on there, they will not get as much as they ought to get, and our Iowa farmer will feed it to the hogs, and that is just about as bad as killing cattle in Texas and using the hide only.

The CHAIRMAN. I take it that under the law, if no standard term is established, then you would be required to put on the label a specific statement as to the contents of the product.

Mr. IVERSON. That is my understanding.

The CHAIRMAN. So that what you need is a term that both sides can agree on.

Mr. IVERSON. Precisely.

The CHAIRMAN. I don't think it is impossible for you and the administration to get together on something that will express the truth.

Mr. IVERSON. I think this term does it as well as can be expected. When we say dried beef, we don't mean that the whole of the beef was dried. We mean that some of the lean muscle was dried, and common acceptance understands what is dried beef. I think the industry pretty well understands what dry-milk solids is.

I come from a dairy State. Our farmers are interested in a market for their product, their butterfat. I would be the first to protest on this law, if I thought it meant the elimination of butterfat from the milk the consumer was going to get.

Mr. BULWINKLE. Didn't I understand you to say just a few minutes ago that someone in Iowa had come to you and asked why this was not on the market, and you said you did not have sufficient, that industry was taking it all?

Mr. IVERSON. No; I don't believe I said that, Mr. Congressman.

Mr. BULWINKLE. I must have misheard you, then.

Mr. IVERSON. They asked me why it was not on the market, and I said the demand on the part of the consumer had not been great enough yet.

Mr. BULWINKLE. But you said something before that, if you will pardon me.

Mr. IVERSON. Perhaps we can go back in the record——

The CHAIRMAN. Did you have something further to say?

Mr. IVERSON. I have nothing further. I would like, in closing, however, to present a statement from a colleague of mine, at the university, a man who had hoped to be here at this meeting, but was unable to be here. I should like to present this statement from Dr. Fairbanks, of the University of Illinois.

I have appreciated the honor of being here.

(The statement referred to will appear in the revised edition of the hearings.)

**STATEMENT OF DR. O. D. ABBOTT, HEAD OF THE DEPARTMENT  
OF HOME ECONOMICS, UNIVERSITY OF FLORIDA**

The CHAIRMAN. You have a statement to present?

Dr. ABBOTT. Yes.

The CHAIRMAN. Is it prepared?

Dr. ABBOTT. Yes.

The CHAIRMAN. You may proceed, unless you want to insert it in the record. You have the privilege of submitting your statement for the record, if you care to do that, or we will hear you.

Dr. ABBOTT. Well, I think I should like to proceed, if you do not object.

The CHAIRMAN. Very well.

Dr. ABBOTT. I accepted this invitation to come before this committee for three reasons; the first one, I thought I should like to come to Congress; secondly, I had something I wanted to tell you; and third, I want your help.

For 17 years I have been studying the nutritional diseases of the children of the South. During this time I have examined approximately 10,000 children. The results of those examinations show that we are suffering from many deficiencies, that we have bad teeth, bad eyes and gums, and hearts.

I brought with me a data sheet on which I have tabulated the results of the examination of 801 children from one county. These children were attending school in 5 schools. The first information I have listed in regard to the first school is that 17 percent of the boys between the ages of 6 and 18 have heart defects.

The CHAIRMAN. Have what?

Dr. ABBOTT. Heart defects. In the next school 8 percent of them had heart defects; in another school 5 percent had heart defects. Altogether, in the 801 children, 5.5 percent of the children were showing heart defects.

In several of the schools, as many as 45 percent of the children had skeletal defects, their bones were not developing correctly.

We found, too, that something over 75 percent of these children have carious teeth, and more than half of them have some kind of gum trouble.

Now, if I may get back to this heart situation. At a meeting of the medical association in Atlantic City only a few years ago, it was brought out, as something of a remarkable discovery, that malnutrition, poor food, was a cause of a great deal of the heart trouble, of which we knew very little before. We did not know what was causing it. And it was suggested then that much of the sudden death from heart trouble may be due to misfeeding over a period of years.

In our studies we began wondering what was the cause of this malnutrition. Why are the children in the south so poorly nourished? Well, we have always felt that the people of the United States were the best fed people in the world. But very suddenly it has been brought to our attention that while we have an abundance of food—we are the granary of the world—yet we are not a Nation of well fed people.

And what is wrong with us? Why aren't we? We are told that our diets are lacking in productive foods. And of these foods milk is one of the most important.

What effect, then, would a lack of milk have on children? Well, before we can determine that, we would have to know, of course, what milk contributes to the diet. As Mr. Iverson has just told you, it contributes an adequate protein, milk sugar, minerals, and especially calcium as one of the minerals, vitamins and fat.

Now, let us suppose for instance that we do without milk. What would be the result?

The CHAIRMAN. May I ask what is the relation between the fat of the milk and the other solids, from a nutritional standpoint? Is one equally as important as the other?

Dr. ABBOTT. Of course they are.

The CHAIRMAN. Or is one more important?

Dr. ABBOTT. One is just as important as the other.

The CHAIRMAN. That is, one supplies a deficiency in the diet of ordinary people that the other does not supply?

Dr. ABBOTT. No.

The CHAIRMAN. The deficiency is in the whole thing, in other words?

Dr. ABBOTT. Yes; it would be the entire milk, perhaps. But I will come to that in just a moment.

This protein is especially adapted to the growth of young children, and in its absence we would expect that our children would not grow so well.

I have brought here some photographs that I should like to have you see. They are lantern slides, but, of course, we have no lantern. Those two children on that slide have never had milk, not since they were born. Look at the size of them. Here is a family of four children, two of them included over there, and those children have never had milk, not since they were babies.

The CHAIRMAN. Do you happen to know the ages of these children?

Dr. ABBOTT. Yes; those two little boys in front, one is 10 and the other 13. All of the children in that group are under weight. One boy in that big group is 20 pounds under weight.

The CHAIRMAN. Where do they live in Florida?

Dr. ABBOTT. They live in Lafayette County.

The CHAIRMAN. On a farm?

Dr. ABBOTT. Well, they live in what we term the rural district.

The CHAIRMAN. You expect to apply these facts to this bill before us, do you?

Dr. ABBOTT. Well, in this way: I also brought along with me some X-rays. These are the bones of some of the children you have just looked at. The wrist of a normal child should have seven bones in it; they should be as well developed as the bones shown in this X-ray. Now, look over here at this little fellow on this side and see how many bones he has. Here is another one who has never had milk. You will notice he has only three bones, and he should have seven. I have a lot of these, and they all show the same thing.

That is our condition. Now, when you consider that living in the Southern States, the 13 States that we call the Southern States, we have approximately 28 percent of the people of the United States, but we have 35 percent of the Nation's children. Moreover, in their hunt for jobs, our middle aged and young are leaving the South in considerable numbers and going to other places where they can get better jobs; that tends to make the South, to a large extent, a land of the very old

and the very young. Both of these groups should be our greatest users of milk, but when you look at milk products and milk consumption down there, you find that we have about 22 percent of the milk cows and about 17 percent of the milk.

Now, in order to show that some of these diseases I have just mentioned were related to the lack of milk, we undertook the feeding of 200 children in one of these districts where the nutritional conditions were very poor.

We had a very small budget; there were no dairies and no productive cows in that section.

The CHAIRMAN. When you refer to "we" whom do you mean?

Dr. ABBOTT. I mean the department with which I work, the department of home economics, in the University of Florida.

We had very little money to buy food for these 200 children.

Mr. BULWINKLE. Did you buy some of this dry milk for them?

Dr. ABBOTT. We tried to buy fluid milk, but we could not; there was no dairy in the section where we were working, so we cast about to see whether or not we could find milk that we could use, and someone suggested that we use these dry milk solids. I tried to buy it at the grocery stores. I went down to buy it and I asked the man if he had dry milk solids. This was called skimmed dry milk. He said, "No; we don't have it. We don't want to have anything to do with that. We don't want to use skim milk at all." And I said, "Well, it is an excellent food and I would like to have some."

So I went to the dairy department, and they said, "Yes; we have barrels of it at the barn. You can have some from the barn." So I took this milk product with me and went off to feed these 200 children.

You asked me about the fat a moment ago. One of the advantages of butterfat is the fact that it carries so much vitamin A. Now, yellow vegetables and green vegetables likewise carry considerable provitamin A, which when taken into the body will make vitamin A. We can grow a lot of collards and turnip greens down there, so that is what we did. We had some whole milk; we used a lot of turnip greens, a lot of collard greens. Then we had milk solids, and we made up a pretty good meal and we fed those children that. A lot of our children don't like milk. They never use it. They didn't care whether they had milk or not, but we put those dry solids into everything we cooked. We put them into biscuits and into corn bread. They said, "You even cook grits with milk solids." I made desserts, I made drinks, I did everything I could to get that quart of milk equivalents into those children, and finally, at the end of the 2 years we have been feeding them, they have done remarkably well.

Mr. BULWINKLE. Did anyone object to your using that dry milk?

Dr. ABBOTT. Well, sir, it was just like the Jew's overcoat. It was there, but you couldn't see it. They didn't know. After a while they got so they liked it.

Mr. BULWINKLE. They didn't know whether it was skim milk or not, did they?

Dr. ABBOTT. Well, they didn't care, because they had never had milk enough to amount to anything.

Mr. BULWINKLE. So what they needed primarily was a process of education as to its use? That is what is needed.

Dr. ABBOTT. Well, that would be mighty helpful. But you know we are at war.



Mr. BULWINKLE. I know it, but you have been educating them some.

Dr. ABBOTT. I have educated that little group, but you see we are right down there in those waters that are infested with submarines. Our beaches are covered with oil and the boys from those ships are coming in on our beaches, and we have all of these mal-nourished people. All of those people scattered over that part of the South are pretty mal-nourished, and I say we have got to feed them and feed them soon, because those children are going to be the soldiers in the not too distant future, and we haven't time to be arguing about education. We have got to do it now.

Mr. BULWINKLE. Nor have we got the time to argue about whether it should be named one thing or another thing.

Dr. ABBOTT. We have got to get it on the market. We have got to get the grocers to take it. We have got to make it possible to get it right out to the people.

The CHAIRMAN. Are you a chemist?

Dr. ABBOTT. Well, I don't know. I am a nutritionist. As Mr. Iverson said, we have had a lot of chemistry as we go along.

The CHAIRMAN. You have been sitting in the hearing, have you not?

Dr. ABBOTT. Yes, I have.

The CHAIRMAN. Did you hear what Mr. Iverson said about the difference between old-fashioned skim milk and separated milk used for making these dry products? He contended that the old-fashioned skim milk deteriorated from the time it was milk, before the cream was skimmed off.

Dr. ABBOTT. Yes.

The CHAIRMAN. And that the milk that makes these dry products is promptly separated from the fat and suffers no such deterioration. What can you say about that?

Dr. ABBOTT. Well, you know down in the rural south we have mighty little refrigeration, and that milk, if it sets from milking time in the morning, until supper time that night, you would be mighty lucky if it were sweet enough for you to drink. So that if it sets overnight, it would raise bacteria and you would have a mighty poor product the next day. We have a lot of gas-formers down there. I have seen milk that was bottled and put on my front porch, and I would be away from home, and I would be gone, say, for 36 hours, and when I came in I would find the cap blown off that milk—the gas-formers grow so rapidly down there. It would certainly be a bad product. And that is the advantage of having these milk solids down there, because we haven't the refrigeration. We can use them without storing them in a refrigerator, and that is the reason we need them.

The CHAIRMAN. If a dry product like that, with the fat largely extracted, is used, what would make up for that fat deficiency so far as the diet is concerned, in a balanced diet?

Dr. ABBOTT. Well, as I said, we can raise plenty of turnip greens and collard greens throughout the year, and they supply that vitamin A that is the principal constituent of butter. That is one of the things that we need, the lack of which is affecting the eyes of the boys. When these boys try to get into the Air Service, a lot of them are having eye trouble, and they come to me and say, "What can I do to improve my eyes"? And I tell them to take vitamin A. After we get their eyes up to where they are better, they say, "What must I

eat?" I say eat plenty of butter, but eat also plenty of turnip greens and collard greens, yellow turnips, anything that is yellow.

The CHAIRMAN. You didn't tell us much about yourself when you came here today. How long have you been associated with the University of Florida?

Dr. ABBOTT. About 17 years.

The CHAIRMAN. And in what capacity?

Dr. ABBOTT. Head of the home economics department.

The CHAIRMAN. What education along that line did you have before you became associated with the university?

Dr. ABBOTT. Well, I went to the University of Missouri, and I took a Ph. D. there. I also had 2 years in medicine. Since then I have been working with children up and down the Atlantic coast, the Atlantic seaboard. My job is primarily at the University of Florida. I have been lecturing and talking and almost crying to get somebody interested in the southern children.

There is another point I would like to make with regard to dry milk, and that is this; I was called on to sit in at a meeting not long ago, where we were planning the food for the South, for the people as well as the cattle; and it was brought out at that time that if you were going to feed a cow on corn, you had to raise twice as much corn as the cow was going to use, because the weevil got half of it. So if you need a hundred bushels of corn to take care of a cow, you would have to raise 200 bushels, because the weevil got 100 bushels. And I said after that, "Well, if the northern children need a quart of milk a day, the southern children need more, because we have got to take care of the hookworm." And it has been shown very conclusively that dry milk solids are of tremendous importance in helping the children maintain themselves. I am not saying that they altogether make the child get rid of hookworm, but they improve his nutrition to such an extent that he is not so bad off. He can stand the hookworms a little bit better. And that is what we have done there. We are not rid of them.

The CHAIRMAN. You spoke of what you said was a wonderful improvement in these children after 2 years of dieting. How was that improvement manifested?

Dr. ABBOTT. May I tell you a story?

The CHAIRMAN. Certainly.

Dr. ABBOTT. This is the story I tell very often. It is the story of Willie Thompson. When I went to work on those 200 children we fed, I noticed a little group of children standing by the school door; they never moved. They stood there all during recess. I said, "What is the matter with those children; why don't they move?" And the teacher said, "Oh, I don't know; they have always stood there."

So we began to work with this little group and by and by I found out that they were anemic; they had so little red coloring matter in their blood that it was a wonder to me they could get around at all. They were so altogether poorly nourished.

So I gave those children some iron, we gave them some of these milk solids we have been talking about, and plenty of collard greens and plenty of turnip greens, and a good meal every noon.

Then one day when I went back, the teacher said, "Have you noticed Willie Thompson?" I said, "No, I hadn't noticed Willie." She said, "Well, today he was out on the school ground playing." I went back there 2 or 3 weeks later, and she said, "Do you know

what?" I said, "No." She said, "Well, do you know that Willie Thompson came running in here and jumped over my desk as he came in this school room? And yesterday he had a fight."

That shows you what food will do.

The CHAIRMAN. You are making a soldier out of him.

Dr. ABBOTT. We are making soldiers out of them; we certainly are.

The CHAIRMAN. Does that conclude what you have to say?

Dr. ABBOTT. Of course, I could go on talking about these malnourished children down in Florida, but I do hope you are going to do something so that we can get these milk solids down there to us, because we have got to have some cheap milk.

The CHAIRMAN. Do you care to express an opinion about whether the use of the word "skim" to identify this milk tends to retard its use?

Dr. ABBOTT. It does in the stores, certainly. We have the most trouble with the grocers. I think I can control the little group I am working with, but it is the grocer and the other people. A lot of our people are illiterate, a lot of our children never get further than the fourth grade.

The CHAIRMAN. You wouldn't see any objection to any term that would tell the truth about it, would you?

Dr. ABBOTT. So long as it did not prejudice people against it.

The CHAIRMAN. That is what I mean; any term that would tell the facts. You would not want any deception?

Dr. ABBOTT. I want our people to get this milk product. You were very nice to let me talk this long.

The CHAIRMAN. Thank you; we are indebted to you.

Mr. BULWINKLE. Now, Mr. Chairman, I want to say one thing. Just now I was trying to get that definition of milk around here, and it raised quite a turmoil. Let me read what the bill provides:

A bill to increase agricultural purchasing power and to meet the need of combating malnutrition among the people of low income by defining and making certain a reasonable definition and standard for nonfat dry milk solids.

And that is what the definition applies to when it says—

The term "milk" when used herein, means sweet milk of cows.

Mr. PATMAN. Mr. Chairman, would it be asking too much to request you to permit me to file some statements in the record?

The CHAIRMAN. They are letters from individuals?

Mr. PATMAN. Associations and organizations and groups. I assure you there is no propaganda carried on in connection with this and they are all uninspired and different.

Here is a statement I desire particularly to call to your attention. Mr. McNutt, as Administrator of the Federal Security Administration, testified recently before the Appropriations Committee of the House, and Mr. Keefe asked this question.

But because of the fact that it is called skim milk it has no appeal to the individual, who just does not think of it as having food value. I have been reading a little bit on that subject, and I have found some effort has been made to change the name of this product to encourage the use of skim milk products and there has been offered a proposal to change this name on the ground that we want to designate the product by what it actually is, and you say this is a skim-milk product.

Mr. McNUTT. The provision in the statute is "the common or usual name," of course, that Congress gave us. We are simply following out instructions. I would have no objection whatever, if we had the statutory authority, to recognize a new name.



Mr. KEEFE. Do I understand, then, it is your contention, you cannot change the name of one of these products, because you must use the common name, for instance, of powdered milk, where the butterfat has been separated, and call it powdered skim milk?

Mr. McNUTT. Yes; if it is the common or usual name. We are required to do that by statute. If the statute were liberalized and gave us more discretion we would be very glad to.

According to that, certainly Mr. McNutt would not object to Congress legislating on the subject. In fact, he says he does not object to it, he welcomes it, and Dr. Wilson, when he was testifying before the Truman committee was interviewed in the course of the committee's investigation and he stated, in his opinion, a change in the name of the product from dry skim milk to some other attractive designation was, in fact, an important consideration in increasing the production of dry skim milk. Of course, you gentlemen know who Dr. Wilson is:

I have a number of letters here, and it is all right with me if the clerk will take them and if he sees they are duplicates, not to put them in.

The CHAIRMAN. You may check over the letters with the clerk.

Mr. PATMAN. But I would like to have the names of the senders mentioned in the record.

Here is one from the Governor of Indiana, the University of Illinois, from the head of dairy husbandry, who endorse the bill; Iowa State College.

These are all different; Texas Technological College. There is nothing inspired about these, and they give different thoughts and suggestions, in different language.

University of Minnesota; extract from a speech made several years ago by Dr. Reed, Chief United States Dairy Industry. I think you will find these all different. The Commissioner of the State of Minnesota, Department of Agriculture, Dairy and Feeds; Wisconsin State Department of Agriculture; Indiana Farm Bureau; Minnesota Farm Bureau Federation; Dairy Record, St. Paul Minn.; Newnan Chamber of Commerce, Newman, Calif., and The Farmer, St. Paul, Minn.

No one asked these people to write these letters. When this bill was introduced, it was in some publication, I assume and they wrote these letters of their own accord. Scientific Service for Bakeries; Bakers Journal; National Dairy Council; which includes nearly all the dairy organizations. International Association of Ice Cream Makers; Chestnut Farms Dairy, Washington, D. C.; Beaumont Dairy Co.; Brooklyn Creamery Co., Salt Lake City; and Pacific Dairy Review, San Francisco.

And there are a number of others. I will turn them over to the clerk, and I will ask that the names of those writing letters be made a part of the record.

The CHAIRMAN. We generally make a practice of receiving letters that are representative, but we do not ordinarily insert a large number of private communications in the record, because it encumbers the record.

Mr. PATMAN. Yes, sir; another thing;—I would like to have the contents of this charter that has been exhibited inserted in the record. The reporter may just copy it in.

The CHAIRMAN. That may be done.

(The chart referred to reads as follows:)



OUTLINE OF OBJECTIVES OF H. R. 7002

1. More milk from which the fat has been removed (50,000,000 pounds) is kept on farms than is sold as market milk and cream.

2. Human nutrition is most deficient in the elements that this farm-separated milk supplies. Waste must be eliminated. Less than 20 percent is now on the market.

3. The dairy farmer is entitled to outlets for all his production—both the fat and the nonfat solids. There are two pounds of nonfat solids in milk for every pound of milk fat. Every cent per pound return on the nonfat solids is equal to 2 cents per pound on the fat.

4. Congressional action is needed for eliminating these human food losses, stabilizing supply, and improving farm income. (Congress defined butter in 1923.)

5. Name and define the product for what it is: Milk solids, showing fat elimination

(a) There is no one name now in common use.

(b) "Skim" or "skimmed" is obsolete, misleading, and deceptive, and ties directly to wasteful feed usage.

(c) "Skim milk" connotes inferiority.

(d) Authoritative opinions favor a fair and accurate name.

6. The nonfat solids of milk comprise two-thirds of the total food constituents of milk.

(a) Dry milk solids make possible the use of higher percentages than is possible with liquid form.

(b) When dissociated from the fat, said solids should not be referred to, or designated by, terms derogatory to their nutritional value in the estimation of consumers.

7. A fair and honest name and definition is necessary to develop confidence in consumers, manufacturers, and farmers for a more stable production to meet wartime and post-war needs in domestic and foreign commerce.

(a) British use the name "household milk" to avoid use of "skim."

(b) World's Dairy Congress favored adoption of a suitable name.

(c) State and Federal terminology needs unification.

(d) "Milk solids" is now in use on various food-product labels.

(e) More than 60 percent of dry milk solids was sold in 1941 under this name, showing fat limitation. This is more than any one other designation ever used.

I would like to ask, Mr. Chairman, permission for any other group or association to file statements in connection with this bill, as long as it does not include points that are already actually covered, and that their names also will be mentioned, and particularly I would like permission for the National Association of Commissioners, Secretaries and Directors of Agriculture to file such statement.

THE CHAIRMAN. They may have that privilege.

Mr. Patman, on that question about discretion in the administration of the act, the general policy is to authorize the Secretary to define standards, after hearing, in which everybody has had an opportunity to be heard, and in adopting such standards, they are supposed to be fair to the consumer, and it has been the custom to use the common name so far as practicable. If the evidence showed it did not properly identify the product, or did not properly define the quality of the product, the Secretary would find it was not practical to use that name. But the one adopted would necessarily have to be the truth, and it would have to be practical, and it should properly identify the article, or, if it is for questions of quality, it should be truthful in describing the quality. So, clearly, the general policy is to give the Secretary discretionary power in making recommendations. He may not make the best selection, but whatever he makes, should be supported by reasonable evidence. Here we are asked to override a decision that was made by the Secretary. I have been very much interested in the discussion here today, as to whether the term "skim milk" can be properly applied to a product made from separated milk, based on a difference in quality that results from that method. You

can appreciate the desire of this committee to sustain the Food and Drug Administration as an instrument of protection for the people, and, of course, to set up a fair definition. I am sure the committee will do that, or try to do that.

Mr. PATMAN. All we want is truth. We are not trying to deceive anyone.

The chairman recognizes, I am sure, that there are going to be shortages of certain food products. Suppose the bakers and ice-cream makers and all these other people are forced to put this on their products, a name that is obnoxious to the consuming public. That will cause an unusual demand for the other rare products which are hard to obtain, and we would have an unnecessary shortage of certain products, and that would certainly be inflationary in certain lines.

We are asking here that just the truth be stated.

The chairman made the point clear when he inferred there is a difference in the skim milk, that it does not speak the truth when it says "skim milk" because there is not any skim milk. That is not the truth, on its face. Skim milk has been described here today by expert witnesses and they tell this committee that the skim milk that is ordinarily referred to by the people as skim milk does not exist at all. Therefore we are asking that this committee put something on the label or the brands that will tell the truth, and not further insist, through this Department, that a statement be made which does not represent the truth.

It is true we should uphold the Department and we should have the pure food and drug laws administered in the right way, but whenever the Department does something that we think is against the public interest, it is always the privilege of Congress, the policy-making branch of our Government, to change it.

Suppose now the Pure Food and Drug Administration had not changed the name of brewers' slop. A bill would have been in here to call it stillage. It is good, it has a vitamin content that is valuable to the public. There would be public demand that it be changed and Congress would have changed it. But the Department changed it.

So far as nicotinic acid is concerned, suppose they had insisted on the use of that term. That is the common name. But the mothers would not buy it under that name. It is needed for children; it is a fine thing, but the Department was persuaded to change it to niacin, something that was not so obnoxious or repulsive or unfavorable in the eyes of the consuming public.

And this Congress has a precedent, Mr. Chairman. We have already defined butter, and if we can define butter, we can define this product.

And may I invite your attention to the fact that when this war is over there is going to be a tremendous productive capacity in these factories that are producing this product, and if they have got to offer it on the public market with this offensive name it is going to be very bad for the people who produce it, the dairy farmers of this country and the cooperatives.

Mr. BULWINKLE. Mr. Patman, the evidence here this morning was that very seldom was there  $1\frac{1}{2}$  percent of fat in this dry milk.

Mr. PATMAN. That is true, but it is as near as you can make it. That is such a minor point.

Mr. BULWINKLE. I know it is a minor point. But we come up here with a pure food and drug proposition, and time after time different concerns say it is just a minor point. But this is all supposed to be done for the benefit of the individual consumer.

Mr. PATMAN. Can you suggest a phrase that would be better?

Mr. BULWINKLE. I hadn't thought about it.

Mr. PATMAN. You see over here on the Supreme Court, "Equal Justice Under the Law." You don't see "Exact Justice Under the Law." Exact justice is impossible, and sometimes it is impossible to write these phrases so that they will be exact. This is just equal, not exact.

Mr. BULWINKLE. I notice here a letter from the Iowa State University which says it will be all right with them if it is not in conflict with the pure food and drug.

Mr. PATMAN. No one wants to destroy the Pure Food and Drugs Act. They are all for it, strong for it.

Mr. BULWINKLE. All right.

Mr. IVERSON. In order to clear myself on the record, I was asked by Congressman Bulwinkle a question concerning line 11, and if it pleases you, I am going to ask my colleague, Dr. Campbell, about the common usage of line 11. This is just to clear myself professionally.

Dr. CAMPBELL. I would say it is not infrequent for bills to have a definition of terms used in the bill; and that is all I have said.

Mr. BULWINKLE. But in the regulations from your division—or the recommendations, you say "The term skim milk as used herein means sweet milk from cows," from which the fat had been separated.

Dr. CAMPBELL. Correct.

Mr. BULWINKLE. The bill provides "The term 'skim milk' when used herein means the sweet milk of cows," and this whole bill is based on what the definition of what milk is, after it is in the powdered form.

Dr. CAMPBELL. Right.

Mr. BULWINKLE. So what I said was right.

The CHAIRMAN. At this point perhaps it would be well to put in the transcript of the day's proceedings, a report from the Federal Security Agency, under date of June 14, 1942, and also the findings and conclusions of the Federal Security Administrator which appeared in the Federal Register, of Friday, June 12, 1940, at page 2543; and, under date of September 30, 1941, the order of the Federal Security Agency amending the order that has just been put in the record.

(The documents referred to are as follows:)

**STATEMENT OF MRS. ERNEST WILLIAM HOWARD, CHAIRMAN,  
DIVISION OF BILLS IN CONGRESS, DISTRICT OF COLUMBIA  
FEDERATION OF WOMEN'S CLUBS**

Mrs. HOWARD. Mr. Chairman, the Federation of Women's Clubs has for so long fought for truth in labeling. As consumers, the women of this country, buy between 80 and 90 percent of the goods manufactured in this country. The consumers are more and more interested in what is put on the label, and this bill today goes back



and reminds us of 1940, when a letter was sent to the Administrator, Mr. McNutt, which letter I would like to have incorporated into the record.

It reads:

The Honorable PAUL V. McNUTT,  
*Federal Security Administrator.*

MY DEAR SIR: The District Federation of Women's Clubs are strongly in favor of truthful and informative labeling, therefore we urge that in your ruling, effective October 10, that dry skim milk be called dry skim milk.

Such a label as De-fatted Milk is almost obnoxious, and truthful labeling will not prevent the consumer who prefers dry skim milk from buying it, but it will protect the consuming public from misbranding.

We do not believe the children of America, nor the underprivileged should be exploited for the sake of a trade name. These names are competitively valuable to the owners only.

There should be no mystery as to the contents of any food, and there should be enough factual information to allow the consumers to decide for themselves, the foods best suited for their individual needs.

Truthful and informative labeling, such as Dry Skim Milk, should be welcomed by all honest manufacturers and dealers. We do not see how the consumer can take any other stand other than honest labeling and honest business, both so closely interwoven and both of which will provide a bulwark of consumer confidence throughout the consumer world.

MR. CHAIRMAN. Among the first standards promulgated by Federal Food, Drug, and Cosmetic Act, was the standard of truth in labeling and one of the things we, as consumers, want to stand for, with no exceptions.

We all know what dry skim milk is, and what powdered milk is. We know that skim milk is not only used for what little fat content there is in it, but for the calcium and the phosphorous and the vitamin A that is bone building, muscle building and body building.

Dry skim milk has been used extensively in my own State of Missouri, given to those who are on relief. These people knew the meaning of skim milk, and were not afraid, but were glad to use dry skim milk, or powdered skim milk for its nutritional value alone.

We know what is meant by dry skim milk, and we think that that name stands out to consumers and that they do and will readily use it. We do not think that the standards of the Pure Food, Drug, and Cosmetic Act should be torn down in any one instance. We feel that in this case, it is merely one brazen instance of asking Congress to legislate a trade name, and to misbrand nature's greatest food.

We do not believe, whether under lend-lease, where it is sold to foreign countries, or to the Army, to icecream or bread makers, that dry skim milk will be at any disadvantage by calling it dry skim milk, or powdered skim milk.

We are opposed to this bill, wholeheartedly. We do not think that this sort of legislation should ever exist. For surely, if you begin misbranding one food, you will be called back here many, many times in committee for other brands of food to call them by some other name, in order to create sales, and other concealing purposes.

This attempt to conceal the identity of dry skim milk is not new; it is the last great struggle of certain interests.



Six thousand one hundred members of the District of Columbia Federation of Women's Clubs are deeply interested in nutrition, and from the viewpoint of homemakers, from the viewpoint of a great deal of welfare work, and from a study of nutritional values, we are very much opposed to this bill, and we trust that the committee will deem it unwise to legislate trade names for special interests, and by so doing, make the first attempt to break down the laws, and consumer confidence, now so surely protected by the Federal Food, Drug and Cosmetic Act.

The CHAIRMAN. Thank you, Mrs. Howard. Mrs. Wiley.

#### STATEMENT OF MRS. HARVEY W. WILEY, CHAIRMAN OF LEGISLATION, GENERAL FEDERATION OF WOMEN'S CLUBS

Mrs. WILEY. Mr. Chairman, I am one of the group of women who, in 1906, more than any other group, stood behind and helped pass the Pure Food and Drug Act of 1906.

I am the widow of Dr. Harvey W. Wiley, who inspired the original Pure Food and Drugs Act of 1906.

Dr. Wiley began his studies on adulteration of food in 1878 and his fight for a pure food law began in 1885. In 1898, Senator William B. Mason of Illinois, began extensive investigations of food adulteration under the direction of Congress, and Dr. Wiley, as Chief Chemist of the United States, was asked to sit with the congressional committee as chief scientific adviser. The work continued for months and is published in the reports of Congress.

I mention this to show how long it took to produce the Pure Food and Drug Act.

While the bill was being drafted the committee would not admit anything of which Dr. Wiley did not approve. One thing in which he believed, and had in mind all during his life, was that this was a consumers' measure; Congress had no idea of providing a law to protect the manufacturer, the producer, or distributor of food. They wanted to protect the consumers, and hence informative labeling is and was a cardinal principle of the original law of 1906.

The revised law of 1938 extended the original idea of honesty in labeling to honesty in advertising, and also made possible these splendid definitions and standards of identity which Administrator McNutt is putting into effect today.

The General Federation would oppose this bill, H. R. 7002, because it would mislead the consumer when buying dry skim milk into believing that she was buying dry whole milk. The upholding of a cardinal principle of the Pure Food Act is more important than that the producers of dry skim milk should find a better market for their product.

I think the point Mrs. Howard has just made is well taken, namely, that the most important thing is the upholding of the integrity of the Pure Food Act at this time. The analogy that Representative Patman just made about nicotinic acid amide really is not a good analogy. When Mr. McNutt allowed that to be called Nyeene, few people

knew what nicotinic acid amide was. But every woman, since the time of Noah, knows what skim milk is. Skim milk is a good food product and those who manufacture it should be proud of it, not ashamed of it, and should put on an educational campaign to advertise it.

I hope very much this committee will stand by the integrity of the pure food law, and not allow this attempt to break it down.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mrs. Wiley. The committee has such high esteem for your husband that it has been a pleasure to have had you here.

Mrs. WILEY. Thank you very much.

The CHAIRMAN. I do not know when we can meet again, but those interested will be notified, and the committee will stand adjourned.

(Whereupon at 4.20 p. m. the committee adjourned to meet at the call of the Chair.)

# NONFAT DRIED MILK SOLIDS

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,  
*Tuesday, July 14, 1942.*

The committee met at 10 a. m., Hon. Clarence Lea (chairman) presiding.

The CHAIRMAN. The meeting will come to order, please. We resume our hearing on H. R. 7002, and I understand Dr. Stanley will be our first witness.

## STATEMENT OF DR. LOUISE STANLEY, CHIEF, BUREAU OF HOME ECONOMICS, DEPARTMENT OF AGRICULTURE

Dr. STANLEY. Mr. Chairman, I would like to make a statement in regard to the proposed change in name of this product.

Mr. CHAPMAN. Will Dr. Stanley please state her full name and her official connection with the Department and her interest in this type of legislation, for the benefit of the record.

Dr. STANLEY. Louise Stanley, Chief of the Bureau of Home Economics, Department of Agriculture.

I have come here to give you, as I see it, the point of view of the consumer in regard to the name of the product under discussion. We are wholly in sympathy with the purpose of the legislation to establish standards. I would regret, however, very much the change of the name, "skim milk." Skim milk is a good food, and most consumers know it and I think there is no prejudice against it. It is very high in food value and makes an important contribution to the nutritional program of this country.

It is particularly useful in dried form. I do not believe there is any consumer prejudice against the name "dry skim milk." We have used it repeatedly in publications. There is a copy of one, the title which is "Dry Skim Milk," and we refer to it in that way in all our publications. I believe a change in the name will be more complicated and tend to confuse consumers as to the identity of the product.

Mr. CHAPMAN. Dr. Stanley, can you supply a copy of that for the record?

Dr. STANLEY. Yes.

(The pamphlet referred to follows:)

### DRY SKIM MILK

Issued by Bureau of Home Economics, United States Department of Agriculture, Washington, D. C., July 1938

Dry skim milk has practically the same food value as fresh skim milk. It provides the protein, calcium and other minerals, milk sugar, and vitamins B and G of milk. Only the fat, vitamin A, and water are removed from whole milk in the preparation of dry skim milk.

The diets of many families contain less milk than is needed for normal growth and health. Using dry skim milk is a good way of improving the diet at low cost.

## KEEPING QUALITY AND STORAGE

If properly stored, dry skim milk can be kept without refrigeration for several weeks. If exposed to air, it absorbs moisture, becomes lumpy, and the flavor changes. It should be kept in a tightly covered container. If it is purchased in a specially prepared bag, the bag should be closed after each use. Storage in a cool place, preferably a refrigerator, lengthens the keeping time.

## USES

Large enough amounts of dry skim milk may be used in preparing soups, cereals, bread, and many other foods so that they are richer in milk solids than those made with fluid milk.

In making many products dry skim milk can be used in the dry form, as it comes from the package. This is a convenient method of adding powdered milk in preparing bread, muffins, biscuits, puddings, and cereals. In such recipes, the powder is mixed with the other dry ingredients and water is used as the liquid.

For use in beverages, soups, gravies, sauces, and such dishes as scrambled eggs and custards, dry skim milk should be made into fluid milk by mixing it with water. The fluid milk is used exactly as fresh skim milk.

Three and one-half ounces (seven-eighths cup) of dry skim milk made into a liquid with  $3\frac{3}{4}$  cups of water equals about a quart of fresh skim milk in nutritive value. For convenient household measurement, use 1 cup of powdered milk for each quart of water; or one-fourth cup of milk powder for a cup of water. To increase the food value, increase the proportion of dry skim milk to water; or add the powdered milk to fluid fresh milk.

To prepare fluid milk with the powder, measure cold or warm water into a bowl, sprinkle the powder over the surface, and beat until the powder dissolves. Or, the milk powder and water may be shaken in a tightly closed glass jar or bottle. Do not use boiling water. The powder is likely to lump.

Milk made by either the spray or the roller process may be used in the recipes contained in this folder. Beverages made from roller-process milk should be mixed just before serving.

The liquid milk sours as does fresh milk, and may be used in the same way as other sour milk or buttermilk. Cottage cheese can be made from the clabbered sour milk.

By following the general directions a homemaker can use dry skim milk just as fresh milk in her recipes. When a large amount of dry milk is used to increase the nutritive value of a product such as bread it is sometimes necessary to modify the recipe slightly.

## IN SOUPS AND CHOWDERS

## QUICK VEGETABLE SOUP

- |                         |   |
|-------------------------|---|
| 1 quart milk made of—   | 2 cups grated raw vegetables (potatoes, turnips, or carrots) or canned corn |
| 1 cup dry skim milk and |   |
| 1 quart water           | 1 tablespoon finely chopped onion   |
| 3 tablespoons fat       | $1\frac{3}{4}$ teaspoons salt   |
| 1 tablespoon flour      | $\frac{1}{4}$ teaspoon celery salt  |

Melt the fat, mix well with the flour, and add the milk, stirring constantly until the mixture comes to the boil. Then add the vegetables and cook 10 minutes. Add seasonings.

## SPLIT PEA SOUP

Soak 2 cups of split peas overnight in 2 quarts of cold water. In the morning add an onion, sliced. Cover; cook slowly for  $1\frac{1}{2}$  hours, or until the peas are soft; then mash. Mix thoroughly 2 tablespoons of flour with one-half cup of dry skim milk, and stir in 2 cups of cold water. Stir into the hot peas with 2 tablespoons of fat and salt and pepper to taste. Cook the soup a few minutes longer.

## FISH CHOWDER

- |  |                                   |
|--|-----------------------------------|
| 1 pint milk made of—                               | 1 cup diced carrots               |
| $\frac{1}{2}$ cup dry skim milk and                | 1 pint water                      |
| $\frac{1}{2}$ pint water                           | $\frac{1}{2}$ cup diced salt pork |
| $1\frac{1}{2}$ pounds fresh haddock or other fish, | 2 tablespoons chopped onion       |
| or 1 pound can salmon                              | 2 tablespoons flour               |
| 2 cups diced potatoes                              | Salt and pepper                   |



Cut the fish into small pieces and remove the bones and skin. If using raw fish, cook it and the potatoes and carrots in the water for 15 minutes. Fry the salt pork until crisp, remove from the fat, cook the onion in the fat for a few minutes, add the flour, stir until well-blended, and add the milk. Add this mixture to the cooked vegetables and the cooked fish or canned salmon. Simmer 10 minutes longer, stirring frequently. Add the salt pork and season to taste with salt and pepper.

#### CORN CHOWDER

In place of the fish in fish chowder, add a No. 2 can of corn to the cooked vegetables.

#### WHOLE-WHEAT CHOWDER

In place of the fish and potatoes in fish chowder, increase the carrots to 2 cups and add 2 cups of cooked whole wheat.

#### ROLLED-OATS CHOWDER

Fry one-half cup dried salt pork until crisp; remove the pork and cook one-half cup of chopped onion in the fat until well-browned. Add 2 quarts of water and heat. Mix  $1\frac{1}{2}$  cups of dry skim milk and 2 cups of rolled oats and stir slowly into the hot mixture. Cook for 15 minutes. Add 2 cups of finely shredded carrots and cook for a few minutes. Add salt pork and serve.

#### IN CREAMED AND SCALLOPED DISHES

For sauces and gravies dry skim milk should be made into fluid milk by mixing it with cold or warm water as directed on page 2. As much as one-half cup of dry skim milk can be used to 1 cup of water, for making gravies and creamed and scalloped dishes. Typical uses include creamed eggs, left-over meat or fish, creamed potatoes, onions, and other vegetables.

#### WHITE SAUCE

For white sauce for creamed meat or scalloped vegetables use 2 tablespoons of fat, 2 tablespoons of flour, one-fourth to one-half cup of dry skim milk to each cup of water, and one-fourth teaspoon of salt. Melt the fat, blend with the flour, and add the milk and salt. Heat and stir constantly until thickened, then cook over water for 10 minutes longer.

#### CREAMED OR SCALLOPED MEAT OR FISH

Make white sauce according to the recipe above, and stir in an equal quantity of chopped cooked meat or fish, and cook until hot all through. Serve over hot cooked macaroni, spaghetti, noodles, rice, or hot biseuits.

#### SCALLOPED VEGETABLES

Use left-over cooked vegetables such as onions, parsnips, or cabbage. In a greased baking dish, place alternate layers of vegetables and medium white sauce. Cover the top with buttered crumbs and bake in a moderate oven ( $325^{\circ}$  to  $375^{\circ}$  F.) for 20 minutes, or until the crumbs are golden brown.

#### 5-MINUTE CABBAGE

3 cups milk made of—	3 tablespoons flour
$1\frac{1}{2}$ cups dry skim milk and	3 tablespoons melted fat
3 cups water	Salt and pepper to season
$1\frac{1}{2}$ quarts shredded cabbage	

Heat the milk and cook the cabbage in it for about 2 minutes. Add the blended flour and fat and the seasonings. Cook rapidly for 3 or 4 minutes, and stir constantly. The cabbage retains its crispness and is delicate in flavor and color.

#### SCALLOPED POTATOES

Wash potatoes, cook in boiling salted water until half done, skin, and slice. Grease a shallow baking dish, place in it a layer of potatoes, sprinkle with some flour and salt, and dot with fat. Continue until all the potatoes are used. Cover the potatoes with hot milk, using one-half cup of dry skim milk to each cup of water. Bake in a slow oven for 1 hour, or until the potatoes are brown on top and soft throughout. If they become dry add more milk. Serve in the baking dish.

## IN CEREAL, HOT AND COLD

## HOT BREAKFAST CEREAL

The nutritive value of cereals is increased by cooking them with dry skim milk. Mix the dry skim milk and cereal thoroughly, using from one-half to 1 cup of dry skim milk to each cup of cereal.

Corn meal or other finely ground cereals mixed with the dry skim milk must be added slowly to a small quantity of cold water to prevent lumping.

Rolled oats, cracked wheat, and other coarse cereals are not so likely to lump. After being mixed with the dry skim milk they can be added directly to the boiling water.

Rice, hominy grits, and whole wheat should be added to the hot liquid milk. The cooking time for whole-wheat and other whole or coarse cereals is shortened by soaking them first in water overnight.

## CREAMY RICE PUDDING

1 quart milk made of—	$\frac{1}{3}$ cup sugar
1 cup dry skim milk and	$\frac{1}{2}$ teaspoon salt
1 quart cold water	$\frac{1}{2}$ teaspoon nutmeg or cinnamon
3 tablespoons uncooked rice	

Add the well-washed rice and remaining ingredients to the liquid milk. Pour into a baking dish and bake in a slow oven ( $250^{\circ}$  to  $300^{\circ}$  F.) for 3 to  $3\frac{1}{2}$  hours. Stir occasionally while baking. If desired, raisins may be added during the last half hour of baking.

Or the pudding may be cooked over hot water. Use 6 tablespoons of rice and the same quantities of other ingredients.

## BREAD PUDDING

2 cups milk made of—	2 tablespoons fat
1 cup dry skim milk and	1 egg, beaten
2 cups water	$\frac{1}{2}$ cup seedless raisins
1 cup soft bread crumbs	1 teaspoon ground cinnamon and
$\frac{1}{4}$ cup brown sugar or molasses	other spices
$\frac{1}{4}$ teaspoon salt	1 teaspoon vanilla

Prepare the bread crumbs by pulling dry bread into small pieces. Heat the milk, bread crumbs, sugar, salt, and fat over hot water. Pour some of the hot mixture into the beaten egg. Combine all the other ingredients, pour into a greased baking dish, set in a pan of hot water, and bake in a moderate oven ( $350^{\circ}$  F.) for about 1 hour, or until the pudding is firm in the center. When the pudding has partially set, stir well so the raisins will be all through the pudding rather than in a layer at the bottom. Serve hot or cold.

## INDIAN PUDDING

Cook together one-third cup of corn meal, 1 teaspoon of salt, and 1 quart of milk (made from 1 to 2 cups of dry skim milk and 1 quart of water) for 20 minutes. Add one-half cup molasses and three-fourths teaspoon ginger. Pour into a greased baking dish and bake in a very moderate oven ( $300^{\circ}$  F.) for 2 hours.

## IN YEAST BREAD, ROLLS, AND CAKE

## WHITE BREAD

$1\frac{1}{2}$ cups dry skim milk	4 teaspoons salt
$2\frac{3}{4}$ cups hot water	2 tablespoons fat
2 cakes yeast	9 cups sifted flour

Measure one-half cup of the hot water and when lukewarm ( $100^{\circ}$  F.) add to the yeast. To the remaining hot water add the sugar, salt, and fat. When lukewarm, add the softened yeast and the dry skim milk sifted with the flour. Mix to a dough, which will be soft and sticky, and knead with the hands in the bowl. Rub a little fat over the top of the dough, and cover. Allow to rise in a warm place ( $80^{\circ}$  F.) until it has nearly doubled in bulk (about  $2\frac{1}{4}$  hours). Cut and mold the dough into loaves, place in greased pans, rub fat lightly on the tops of the loaves, and cover. Place in a warm place ( $90^{\circ}$  to  $95^{\circ}$ ) and let rise until they have nearly doubled in bulk (about 45 to 50 minutes). Bake pound loaves for 40 minutes in a hot oven ( $400^{\circ}$  to  $425^{\circ}$ ). These ingredients make 3 pounds of bread.

## WHOLE-WHEAT BREAD

1 cup dry skim milk	3 tablespoons fat
2½ cups hot water	7 cups sifted hard whole-wheat
1 to 2 cakes yeast	flour or 7½ cups sifted soft
4 tablespoons brown sugar	whole-wheat flour
1 tablespoon salt	

Mix as for white bread, and bake pound loaves for 50 to 60 minutes in a moderately hot oven (385° F.) for 15 minutes, then lower the heat to moderate (350°) to finish.

To increase the skim-milk solids in this recipe, increase the above proportions of dry skim milk and of liquid. A satisfactory loaf can be made with 1¾ cups of dry skim milk and 3 cups of liquid, or even as much as 2½ cups of dry skim milk and ¾ cups of liquid.

## ROLLS

The dough for white bread and whole-wheat bread may be baked as rolls. If richer rolls are desired, increase the fat to 5 tablespoons.

## SPICE CAKE

½ cup dry skim milk	1 cup sugar
3 cups sifted flour	1 egg, beaten
4 teaspoons baking powder	1 cup water
½ teaspoon salt	¼ cup fat, melted
1½ teaspoons mixed ground spice	1 teaspoon vanilla

Sift the dry ingredients together three times. Combine the beaten egg, water, melted fat, and vanilla. Add the dry ingredients all at once, stir until the mixture is smooth. Pour into a greased pan, and for a thin loaf bake in a moderate oven (365° F.) for 25 minutes. As cupcakes, bake in a moderately hot oven (375°) for 20 minutes.

## IN QUICK BREADS AND COOKIES

For biscuits, muffins, griddlecakes, corn bread, cake, and cookies, sift 3 to 4 tablespoons of dry skim milk with each cup of flour or meal. Use water for the liquid. It is desirable to increase the fat slightly in the recipe when skim milk replaces whole milk.

To vary the flavor and food value of muffins, 1 cup of fine rolled oats or corn meal may be substituted for 1 cup of the white flour called for in a recipe. Or whole-wheat flour may be substituted directly for the white.

## SPOON BREAD

1 cup dry skim milk	2 cups boiling water
1 cup corn meal	2 eggs, beaten
1½ teaspoons salt	3 tablespoons fat, melted
1 cup cold water	

Mix the meal, dry skim milk, and salt thoroughly. Combine with 1 cup of cold water and stir until smooth. Add 2 cups of boiling water, stirring constantly until the mixture thickens. Blend a small amount with the beaten eggs. Combine all the ingredients. Pour into a well-greased hot pan or baking dish and bake for 45 to 50 minutes in a hot oven (400° F.). Serve from the pan in which it was baked.

## DROP BISCUITS

4½ tablespoons dry skim milk	4 tablespoons fat
2 cups sifted flour	Water to make a very soft dough
¾ teaspoon salt	(about ¼ cup)
3 teaspoons baking powder	

Sift the flour, dry skim milk, salt, and baking powder together. Cut in the fat. Add the water slowly, stirring from the center until a soft dough is formed. Drop from a spoon onto a greased baking sheet, and bake in a hot oven (450° F.) for about 15 minutes.

If using sour milk, reduce the baking powder to 2 teaspoons and add one-third teaspoon of soda to the dry ingredients.

## MOLASSES COOKIES

$\frac{1}{2}$ cup dry skim milk	$\frac{1}{2}$ reaspoon salt
$2\frac{3}{4}$ cups sifted flour	$\frac{3}{4}$ cup molasses
4 teaspoons baking powder	$\frac{1}{2}$ cup fat
$\frac{1}{2}$ teaspoon soda	$\frac{1}{2}$ cup sugar
$\frac{1}{2}$ teaspoon cinnamon	$\frac{1}{2}$ cup water
$\frac{1}{2}$ teaspoon ginger	1 egg, beaten

Sift together the dry ingredients except the sugar. Heat the molasses and fat until the fat is just melted, add the sugar, water, and beaten egg. Add the mixture gradually to the dry ingredients. Drop by spoonfuls onto a greased baking sheet, and bake in a moderate oven ( $350^{\circ}$  F.) about 15 minutes. Remove from the pan at once.

## IN DESSERTS AND BEVERAGES

Cornstarch pudding, tapioca pudding, soft or baked custard, creamy rice pudding, and Indian pudding are only a few of the desserts that can be made with dry skim milk.

## SOFT CUSTARD

3 cups milk made of—	$\frac{1}{4}$ teaspoon salt
$1\frac{1}{2}$ cups dry skim milk and	2 eggs, beaten
3 cups water	$\frac{1}{2}$ teaspoon vanilla
$\frac{1}{3}$ to $\frac{1}{2}$ cup sugar	Cinnamon or nutmeg

Heat the milk in the top of a double boiler. Mix the sugar, salt, and beaten eggs. Add some of the hot milk slowly to the beaten egg and sugar mixture, pour back into the double boiler, surround with hot, not boiling water, and stir constantly until the custard coats the spoon. Remove from the hot water at once, cool, and add the vanilla and spice.

## COCOA OR COCONUT CUSTARD

Mix one-fourth cup of cocoa with the sugar or add one-half cup of shredded coconut to the hot custard.

## COCOA

$1\frac{1}{2}$ cups dry skim milk	Salt
5 tablespoons cocoa	5 cups water
5 tablespoons sugar	

Mix the cocoa, sugar, salt, and 1 cup of water, and boil for a few minutes. Add the other 4 cups of water and sprinkle the dry milk over the top. Beat until smooth and heat in a double boiler or over low heat to the serving temperature. Cinnamon, nutmeg, or vanilla may be added. The cocoa may be chilled and served cold.

## MILK SHAKES

Place 1 cup of water in a bowl, add 1 teaspoon of sugar, a few grains of salt, and  $\frac{1}{4}$  teaspoon of flavoring. Sprinkle  $\frac{1}{4}$  cup of dry milk over the surface and beat until smooth. Or, the ingredients may be placed in a glass jar or milk bottle and shaken.

For fruit milk shakes, add 2 teaspoons of sugar, a few grains of salt, and 1 cup of water to the pulp of a raw banana, or  $\frac{1}{4}$  cup of the combined pulp and juice of cooked dried apricots or prunes with a little lemon juice if desired. Sprinkle  $\frac{1}{4}$  cup of dry skim milk powder over the top and beat until smooth. Serve cold. This makes a thick, frothy milk shake.

## EGGNOG

Combine a well-beaten egg, 2 teaspoons of sugar, 1 cup of water,  $\frac{1}{4}$  teaspoon of flavoring, and a few grains of cinnamon or nutmeg if desired. Sprinkle  $\frac{1}{4}$  cup dry skim milk over the mixture. Beat until smooth.

## MILK WITH COFFEE

Heat 1 pint of liquid milk and mix with 1 pint of hot coffee, or sprinkle  $\frac{1}{2}$  to 1 cup of dry skim milk over 1 quart of cold or warm coffee and beat until smooth. Serve cold or hot.



Dr. STANLEY. We have used a considerable amount of it in our school lunch program and we always refer to it as dry skim milk, and there is considerable unsatisfied consumer demand for dry skim milk.

The CHAIRMAN. What is the reason for the lack of supply?

Dr. STANLEY. That is partly due to the fact that there has been a large demand made upon us for lend-lease, and in part it is a question of distribution in satisfactory packages for consumers.

The CHAIRMAN. Is that increased demand due in part to the war situation, or how does it come about?

Dr. STANLEY. Under lend-lease we are shipping large amounts to England and they are using it over there in the manufacture of certain other foods; using it in their breads and other products. It is not distributed directly to consumers.

The CHAIRMAN. Is that largely due to the convenience of the dried form?

Dr. STANLEY. For shipping purposes, and the same convenience is true here.

The farm family tends to use a large amount of either skim milk or buttermilk in cooking; the cream is skimmed off and they use the skimmed milk. The urban homemaker does not have such supplies because of the difficulties in distribution of skim milk in fluid form. For that reason we have recommended the distribution of skim milk in the dry form. Under that practice there is very little competition between that and whole fluid milk, because of the difference in use. The dry milk is in very compact form and can be used in much larger proportions than when in fluid form. It is therefore especially useful in increasing the nutritive value in diet.

The CHAIRMAN. In other words, it reduces the volume for shipment and carries substantially the substantive qualities of the original product.

Dr. STANLEY. Yes.

The CHAIRMAN. And has the advantage of being usable at practically any time.

Dr. STANLEY. Yes; and it is particularly useful in the preparation of those foods in which it is not necessary to reconstitute the milk.

Mr. WADSWORTH. Do you believe the legislation is necessary?

Dr. STANLEY. I beg your pardon.

Mr. WADSWORTH. Do you believe that legislation of this type is necessary?

Dr. STANLEY. I am always in favor of any legislation for the establishment of standards. I am not a dairy expert and am not appearing as such with regard to dry skim milk, or whether the standards set up are sufficient.

Mr. WADSWORTH. Has there been any trouble about the distribution of dry skim milk?

Dr. STANLEY. Not so far as I know.

Mr. WADSWORTH. Has there been any difficulty because of misbranding or adulteration?

Dr. STANLEY. No. The problem there would be not one of composition so much as the method of dehydration. There is a difference, of course, between the product resulting from the roller process and the spray process. That distinction is more important from the point of view of the consumers than the likelihood of variation from standard composition.

Mr. WADSWORTH. You have a copy of the bill before you. What amendment would you propose with respect to the name of the product?

Dr. STANLEY. I should like to see the product continued to be called dry skim milk. And, I think the consumers in general feel the same way about it.

Mr. WADSWORTH. The bill has reference to dry milk solids or defatted milk solids.

Dr. STANLEY. Yes.

Mr. WADSWORTH. You would strike out that and use what term?

Dr. STANLEY. Substitute dry skim milk.

Mr. WADSWORTH. Dry skim milk.

Dr. STANLEY. Yes; that is the product, the name of which is known to the consumers, and there is no prejudice against it.

Mr. WADSWORTH. Are you in agreement with the standards provision?

Dr. STANLEY. I do not believe that I am qualified to speak in regards to standards, as I am not an expert, and I would rather not speak to that question.

In regard to the moisture content, I would say very definitely that we have been doing quite a bit of work along that line, and it must be gotten down to 5 percent if it is going to be kept in satisfactory form. There are only two elements which are taken away: One is moisture and the other fat. And the fat is about what is indicated here in this bill, only a small amount.

Mr. WADSWORTH. To your knowledge are these two standards practical?

Dr. STANLEY. I should think so; yes.

Mr. WADSWORTH. Generally speaking?

Dr. STANLEY. Generally speaking; yes.

Mr. WADSWORTH. Skim milk conforms to that usually?

Dr. STANLEY. Yes.

Mr. WADSWORTH. And this would not inflict any hardship?

Dr. STANLEY. It seems to me it would not.

Mr. WADSWORTH. Or set up any undue obstacles?

Dr. STANLEY. No.

The CHAIRMAN. Major Bulwinkle.

Mr. BULWINKLE. Dr. Stanley, for my own information I want to ask you this question: Have you attempted to purchase any dry skim milk in Washington?

Dr. STANLEY. I can tell you where you can purchase it; it is very difficult, but it can be purchased at the Rosedale Cooperative Store.

Mr. BULWINKLE. What store?

Dr. STANLEY. The Rosedale Cooperative Store on Wisconsin Avenue.

Mr. BULWINKLE. I went to two or three different stores and they never heard of it.

Dr. STANLEY. Well, there has been no demand created for it.

Mr. BULWINKLE. One of them said they would not buy it because they had no demand for it.

Dr. STANLEY. I think that is partly true; it is one of these endless chains; you do not get a demand until the consumers build an educational campaign around it, and you would not build the campaign around it until the demand has been created.

Mr. BULWINKLE. There is another thing I want to ask you about processing this milk: What is the best way to use this powder?

Dr. STANLEY. Well, it depends upon what you are going to use it for. Ordinarily if you are using the powdered product you sift it with the flour or other dry ingredients. There are only a few cases where it is necessary to reconstitute the milk before you use it.

Mr. BULWINKLE. Well, suppose you are making custards or something like that?

Dr. STANLEY. You would have to reconstitute in that case.

Mr. BULWINKLE. It would have to be made into fluid form?

Dr. STANLEY. It would have to be reconstituted.

Mr. BULWINKLE. By an electric mixer?

Dr. STANLEY. Yes. For use in soups, sauces and such dishes as scrambled eggs and custards dry skim milk should be made into fluid milk by mixing it with water. In bread, muffins, puddings, and biscuits it can be used without reconstituting it.

Mr. BULWINKLE. You would use an electric mixer for reconstituting it?

Dr. STANLEY. Well, of course, if you have it you would. But the majority of housewives do not have an electric mixer, and we have found in the low income groups they use a milk bottle, put in some dry skim milk and shake it up with water. That will reconstitute it.

The CHAIRMAN. Mr. Youngdahl.

Mr. YOUNGDAHL. Dr. Stanley, I am sorry I came in late and did not hear more of your testimony. But in my younger days I used to milk cows and I still have some recollection that skim milk was just a product to be thrown away; the average person paid no attention to it and considered it had no particular value. If that also be the thought of many other people today, and I understand you have made a study of it would that not establish a prejudice in the minds of such people against the purchase of an article called skim milk?

Dr. STANLEY. I do not think that is true. In many farm areas skim milk is used in cooking. It was not drunk at the table as fluid milk, but it was used in cooking either in the form of skim milk or buttermilk. And for that we are promoting its use now.

Mr. YOUNGDAHL. What would be the main objection to eliminating skim from the brand?

Dr. STANLEY. I think it would result in confusion. The housewives know it under this term which describes it as skim milk, and they are satisfied with it.

Mr. YOUNGDAHL. Do you not feel if you use a proper description of the article on the package you are offering for sale, and eliminate the word "skim" it might stimulate sales.

Dr. STANLEY. No; I do not think so. There is a market for skim, dry skim milk, and I do not believe that market will increase by changing the title.

Mr. YOUNGDAHL. There seems to be a bit of confusion or difference of opinion among the people who have made a study of it, from correspondence I have had from the medical profession, and it seemed to me that it would be advisable.

Dr. STANLEY. I am only speaking for myself and the group I represent. We have been in touch with a large number of consumers and we have made several studies of the question, in which that same question has been raised. And they believe that the use of the words "skim milk" is better.

Mr. YOUNGDAHL. Mr. Chairman, I have a copy of a letter of which seems to have been addressed to Hon. Wright Patman, and at the proper time I am going to ask if Mr. Patman received that letter.

Mr. BULWINKLE. Any further questions?

Mr. YOUNGDAHL. No.

Mr. BULWINKLE. Mr. Halleck.

Mr. HALLECK. I would like to ask if the Department of Agriculture, the Pure Food Administration, has attempted to define this product.

Dr. STANLEY. I am not connected with that administration.

Mr. HALLECK. It strikes me that unless there is some failure to act under the general authority of the administration there is a question of whether the Congress of the United States should interfere and undertake to write into a statute specific details and definitions.

Mr. BULWINKLE. The Pure Food and Drug Administration is not now in the Agriculture Department.

Dr. STANLEY. No; under Federal Security.

Mr. HALLECK. The question in my mind was that if there has not been such failure of administration, or unless there has been a lack of authority in the present law whether the Congress should be called upon in an act in isolated instance to enact some sort of definition.

Mr. BULWINKLE. Dr. Campbell is to appear later from the Pure Food and Drug Administration.

Dr. STANLEY. I have no further statement, Mr. Chairman.

Mr. BULWINKLE. Thank you very much, Dr. Stanley.

Dr. STANLEY. Thank you.

The CHAIRMAN. The next witness is Mr. Campbell of the Food and Drug Administration.

#### STATEMENT OF WALTER G. CAMPBELL, COMMISSIONER, FOOD AND DRUG ADMINISTRATION

Mr. CAMPBELL. Undertaking to reply directly to your question Congressman, there is a standard for dried skim milk.

The executive branch of the Government has functioned, under the authority which Congress conferred, in terms of the Food, Drug, and Cosmetic Act, passed in 1938. I think it would be of interest to the committee to know something about the elaborate procedure set forth in that law for administrative functioning, in the formulation of standards.

For more than 30 years, under the old Food and Drug Act of 1906, the so-called Wiley law, the Bureau of Chemistry in the Department of Agriculture was handicapped in its effort to regulate traffic in food and drug products, because there were no legal standards. There was no power in that law for the promulgation of administrative standards which would have legal effect.

The only food product for which there was a legal standard under that old law was butter, and that was a legislative standard. The new law undertook to correct that defect, among the great many others, and in section 401, provides that:

Whenever in the judgment of the administrator—

that is, the Administrator of the Federal Security Agency; because the Food and Drug Administration was transferred a little more than



2 years ago from the Department of Agriculture to the Federal Security Agency.

Whenever in the judgment of the Administrator such action will promote honesty and fair dealing in the interest of consumers, he shall promulgate regulations fixing and establishing for any food, under its common or usual name so far as practicable, a reasonable definition and standard of identity \* \* \*.

The procedure that must be followed by the Administrator in carrying out that mandate is rather elaborate. The Congress has said in section 701 that the definitions and standards of identity promulgated in pursuance of this authority in accordance with the provisions of this act shall be effective for the purposes of enforcement of this act notwithstanding such definitions and standards as may be contained in other laws of the United States and the regulations promulgated thereunder.

The statute further says:

The Administrator, on his own initiative or upon an application of any interested industry, or substantial portion thereof, stating reasonable grounds therefor, shall hold a public hearing upon a proposal to issue, amend, or repeal any regulation contemplated by any of the following sections of the act.

That includes section 401, the authority for making standards which I have just read to you.

The Administrator shall give appropriate notice of the hearing, and the notice shall set forth the proposal in general terms and specify the time and place for a public hearing to be held thereon not less than 30 days after the date of the notice \* \* \*. At the hearing any interested person may be heard in person or by his representative. As soon as practicable after completion of the hearing, the Administrator shall by order make public his action in issuing, amending, or repealing the regulation or determining not to take action. The Administrator shall base his order only on substantial evidence of record at the hearing and shall set forth as part of the order detailed findings of fact on which the order is based. No such order shall take effect prior to the ninetieth day after it is issued \* \* \*.

It further says:

In a case of actual controversy as to the validity of any order under subsection (e), any person who will be adversely affected by such order if placed in effect may at any time prior to the ninetieth day after such order is issued file a petition with the Circuit Court of Appeals of the United States for the circuit wherein such person resides or has his principal place of business, for a judicial review of such order. The summons and petition may be served at any place in the United States. The Administrator, promptly upon service of the summons and petition, shall certify and file in the court the transcript of the proceedings and the record on which the Administrator based his order.

Now, following out that procedure meticulously, a public hearing was held; findings of fact were formulated and promulgated and, as a matter of precaution and as a matter of fairness to all parties interested, the Administrator went further than the statute required, and instead of issuing his final order and findings of fact, promulgated them in tentative form, giving an opportunity to all interested parties to file briefs in the nature of objections to any portion of them and then reconsidered those appeals.

I know personally that the manufacturers of dried skim milk did appear in response to such an invitation. They did argue the question of a modification of the revision of this order before the Assistant Administrator and later before the Administrator; and the Administrator in this instance read the entire record personally and reached the conclusion, on the basis of that evidence that the name

dried skim milk or powdered skim milk was the common name under which this product was known, and promulgated the standard accordingly.

That standard was promulgated on July 6, 1940, and became effective in October of that year. That standard provides this, after reciting the findings of fact upon which it is based:

Dried skim milk, powdered skim milk, skim milk powder, is the food made by drying sweet skim milk. It contains not more than 5 percent of moisture, as determined by the method prescribed in Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists, Fourth Edition, 1935, page 282, under the caption "Moisture—tentative." The term "skim milk" as used herein means cows' milk from which the milk fat has been separated.

So there is and has been effective since October 1940, an administrative order which defines skim milk substantially as it is defined there—that is, in this proposed bill—except for its designation.

Mr. HALLECK. That has reference to the term commonly used, is that right?

Mr. CAMPBELL. That is right.

Mr. HALLECK. This seems to omit the work "skim"?

Mr. CAMPBELL. That is right, it does. That standard was reviewed by the Circuit Court of Appeals.

Mr. HALLECK. You mean the standard——

Mr. CAMPBELL. The standard that I have just read to you, the administrative standard.

Mr. HALLECK. Was reviewed?

Mr. CAMPBELL. It was reviewed. The manufacturers appealed to the Circuit Court of Appeals for a review. The standard was reviewed and was approved and affirmed. The Circuit Court said this:

It is further contended that the use of the term "skim milk" is arbitrary and unreasonable, because it tends to create a derogatory impression in the public mind of the quality of food value of the product. The American Dry Milk Institute, which was an association of producers of skim milk powder, has been trying to foster the use in the trade of the designation "dry milk solids not over 1½ percent fat", and petitioners and interveners asked the administrator to adopt this term.

The statute required the administrator, in fixing a definition and standard of identity for a food, to do so "under its common or usual name so far as practicable". What was the common or usual name of the food product here involved, and whether its use in a regulation would be practicable for administrative purposes, were questions for the administrator, on which we would not be at liberty to disturb his determination, if based upon substantial evidence. Such substantial evidence is contained in the record in this case. The administrator was not required to hold it impracticable, for regulation purposes, to use what the evidence sufficiently showed to be the common or usual name of the product among ultimate consumers merely because such a designation might not be conducive to sales by producers as some term of commercial coinage and glossing. The administrator's obligation under the statute was simply the promotion of honesty and fair dealing in the interest of consumers. While he would have no right to adopt a designation for the purpose of destroying trade in a legitimate food product, there could ordinarily be no arbitrariness involved in using the common or usual name of such a product for regulation purposes.

Mr. HALLECK. Dr. Campbell, was there ever any question as to the authority of the Administrator under the statute to promulgate this definition?

Mr. CAMPBELL. Never.

Mr. HALLECK. The only question was whether or not it was a proper——

Mr. CAMPBELL. Yes; whether it was a reasonable standard.

Mr. HALLECK. A reasonable standard.

Mr. CAMPBELL. That is right.

Mr. HALLECK. And that was reviewed in the courts?

Mr. CAMPBELL. Yes.

Mr. HALLECK. As contemplated by the statute and as provided by the statute?

Mr. CAMPBELL. Yes.

Mr. HALLECK. Is it fair to say, in the light of that, that the passage of this legislation, or proposed legislation that is now before us, would, in effect, amount to a superimposing of the judgment of the Congress in respect to this particular definition or standard over that of the administrative agency which the Congress has set up to administer this act?

Mr. CAMPBELL. The Administrator has made a recommendation, very definitely of an adverse sort against this proposed legislation. That indicates the attitude of the agency and specifically it is the attitude of the Food and Drug Administration. It has been argued by the author of the bill that a policy question should be determined by the Congress. It was not a question of the right of the Administrator, so he said, to determine this thing, but it was a question whether or not the Congress should exercise a legislative policy in determining matters of this sort.

There is no question whatever about the right of Congress to do that sort of thing. The only question is the propriety of it. As a matter of fact, every single injunction that you have imposed has been fully, completely, and meticulously met. And it has showed that the common name of the product is skim milk. The standard was promulgated on that basis.

Now, the Congress has the right unquestionably to pass this law and establish an entirely different standard, legislatively, for skim milk. It is a question with you whether you want to or not.

Mr. HALLECK. I recognize that, but this bill, if it were enacted into law, would override the judgment and decision of the administrative agency, heretofore rendered.

Mr. CAMPBELL. That is right.

Mr. HALLECK. And the order entered by that agency, about which there was no question of legal authority.

Mr. CAMPBELL. That is right.

Mr. HALLECK. But rather one of reasonableness.

Mr. CAMPBELL. That is right.

Mr. HALLECK. As one member of this committee, as the gentlemen here know, I have contended that there are matters of broad policy that are matters for the Congress and I do not like administrative agencies to invade the province of Congress. By the same token, I think when we set up an agency that is charged with the administration of a fundamental, basic law, if the Congress undertakes to exercise its judgment on each one of the agency's administrative decisions as they came along, we would probably not get very much else done. In other words, if we charge the Interstate Commerce Commission with responsibility for fixing rates on the railroads, and then every time someone is dissatisfied with a rate that is fixed, they seek to have the Congress go into it, into the matter of the equity and reasonableness of that rate, we would have a lot of difficulty.



The thing I am interested in, first of all, is whether or not this proposal comes within that category; or whether or not it might be said fairly to be a matter of policy as distinguished from purely administrative procedure, that the Congress should take into consideration.

Mr. CAMPBELL. Congressman, I cannot quarrel with your views, naturally. But there is another objection to this bill, aside from the propriety question of the Congress superimposing its own views with respect to a matter of this sort after having set up an agency to do that very thing. That is the objection that can be registered to the bill *per se*. It says, "that for the purposes of the Federal Food, Drug, and Cosmetic Act," which merely means that this legislative standard, of course, will supplant the one that has already been promulgated and that is being enforced now. It says that this product will be known as "dry milk solids or defatted milk solids."

Dry milk solids are the solids of whole milk. It is amazing—it is to me, at least—that the manufacturers of this product would come to the Congress and ask that the administrative standard be supplanted by a legislative standard which is definitely legalizing a false name.

Mr. HALLECK. That is the thing that disturbed me as I first read it. Your references to the statute refreshed my memory as to what was in it. As I remember it, the fundamental purpose was to prepare definitions and standards that would speak the truth as nearly as it could be spoken.

Mr. CAMPBELL. Exactly.

Mr. HALLECK. And it is your view that this bill would not provide for speaking the truth, as distinguished from the administrative standard that has already been set up?

Mr. CAMPBELL. That is right. The point that I am making is, dry milk solids means the solids of whole milk; it means dried whole milk.

Mr. WADSWORTH. Is not that in large part nullified by the phrase which follows?

Mr. CAMPBELL. "Or defatted milk solids"?

Mr. WADSWORTH. No. The language which says, "dry milk solids or defatted milk solids is the product resulting from the removal of fat and water from milk." It is no longer whole milk.

Mr. CAMPBELL. Yes, Congressman, but the point that I make here is this. They are saying that dry milk solids represents the designation of the product which is obtained by the removal of the fat and then evaporating the residue, which would be skim milk. That is dry skim milk. In other words, it is merely asking for authorization to sell dry skim milk as dry whole milk. That is all that that means.

Mr. WADSWORTH. There is no intimation that the fat has been extracted.

Mr. CAMPBELL. No. It would just be called dry milk solids. That would be the name of the product, and it could be prepared by removing the fat and evaporating the resulting product. That is so contradictory, it seems to me, fundamentally, to the legislative position that was taken when Congress enacted the Food, Drug, and Cosmetic Act of 1938, that it would be tantamount to a repeal of some of the fundamental provisions, and certainly contrary to the purposes of that statute.

Mr. SIMPSON. May the manufacturer at the present time sell a dry milk solid?

Mr. CAMPBELL. Yes.

Mr. SIMPSON. So designating it?



Mr. CAMPBELL. Yes; if it is a dry milk solid.

Mr. HALLECK. How many standards have you set up?

Mr. CAMPBELL. We have been administering the act as rapidly as we could with a limited force, but there are some 160 that have been enacted or promulgated. Unfortunately, some of the more important ones have taken more than 2 months in hearing, and it has imposed a tremendous burden on the limited group of attorneys and administrative officers that we have to deal with these hearings adequately.

Mr. HALLECK. That does not discourage me so much, because I am glad to know that you are hearing the people who want to testify.

Mr. CAMPBELL. Yes.

Mr. HALLECK. And exercising the judicial processes in arriving at these standards.

Mr. CAMPBELL. That is what we are trying to do.

Mr. WADSWORTH. You say there are something like 160 definitions?

Mr. CAMPBELL. One hundred and sixty standards; as a matter of fact, I think there are more than that now.

Mr. WADSWORTH. Applicable to skim milk?

Mr. CAMPBELL. No, no; skim milk is just one.

Mr. HALLECK. I only inquired as it might throw some light on the magnitude of the job that Congress might have to do, if it undertook to review each one of them.

Mr. CAMPBELL. I see; that is a good point.

Mr. BULWINKLE. Then, in addition to that, you have a great many that you agree to without hearing or notice, is that right?

Mr. CAMPBELL. We always have a hearing, Congressman. The statute requires it. Some of those hearings may be completed within a day's time. But the thing that we must do, to meet any proposal for a review, is to have a record of the testimony taken. The law specifically requires that that hearing be held and we have promulgated no standard without first having had this hearing following a prior issuance of a notice. Some of the hearings are brief, although very few of them are. Most of them are protracted.

Mr. YOUNGDAHL. Do some of your milk solids vary in fat content?

Mr. CAMPBELL. You mean whole milk solids?

Mr. YOUNGDAHL. Yes.

Mr. CAMPBELL. Of course. The whole milk solids will represent the fat content proportionate to that which was found in the liquid milk. The fat content of the milks will vary.

Mr. YOUNGDAHL. Is not that generally stated on the product, the standard that you have set out for that particular product?

Mr. CAMPBELL. We have no standard for whole milk, dry whole milk, yet.

Mr. YOUNGDAHL. I see according to this bill, in this connection, they suggest that the fat content is not over  $1\frac{1}{2}$  percent unless otherwise indicated.

Mr. CAMPBELL. Yes.

Mr. YOUNGDAHL. That would take it out of the classification of dry milk products, would it not?

Mr. CAMPBELL. The point is, it is impracticable to remove all of the fat in the process of skimming milk. And in order to keep that as nearly a completely skim milk as practicable, a limit was indicated on the quantity of fat to be found in that article.

Mr. PATRICK. I want to ask you this question. The purpose of the bill as announced in the title is:

To increase agricultural purchasing power and to meet the need of combating malnutrition among the people of low income by defining and making certain a reasonable definition and standard for nonfat dry milk solids.

Do you feel that if this bill became law, those purposes would be met? What do you feel would be the approach?

Mr. CAMPBELL. If this bill were to be enacted, I do not think it would contribute in a material way at all to the achievement of those ends.

Mr. PATRICK. Would it tend to?

Mr. CAMPBELL. I do not think it would. You heard the testimony of Dr. Stanley that there is a consumer demand for dry skim milk not now being met. And so far as the increase of the purchasing power of the farmer, let me read to you the figures that were given to us by the Agricultural Marketing Administration on the output of dry skim milk for the past 5 years.

The production in 1937 was 244,000,000 pounds. For 1938 it was 289,000,000 pounds. For 1939 it was 268,000,000 pounds, a falling off. In 1940 it was 322,000,000 pounds. In 1941 it was 367,000,000 pounds. The Agricultural Marketing Administration stated that they were advised that for 1942 the production during the first few months will run from 15 to 20 percent higher than during the corresponding period of 1941.

Now, it cannot be said that this standard which was promulgated in 1940 and became effective in October 1940, has had any adverse effect upon the production of dry skim milk. As a matter of fact, there has been a tremendous boost in the output since the standard became effective.

How could this designation make any contribution toward the increase in agricultural purchasing power in the face of that output and in the face of the testimony that you have heard this morning that there is not a supply to meet consumer demand?

One of the objections interposed to the passage of this bill is the resistance on the part of manufacturers who are using dried skim milk in the production of their food products. It is used most extensively by bakers and by confectionery manufacturers; and it is used some, too, in the production of prepared flours, pancake flours, and the like. When this hearing was under way some few days ago, and after listening to the testimony, I took occasion to have reports on some few of the confectionery and other novelty food products reviewed to see just what their labels did declare and whether or not there was use of skim milk powder in the production of such product. I also went out and collected some samples of prepared flours—Aunt Jemima pancake flour, and the like—which, I am sorry, I forgot to bring with me this morning, when I came; but there is a prominent declaration, just as prominent as there is of the other ingredients, of the presence of skim milk powder.

Now, Mr. Chairman, these labels will show you that the industry generally is declaring skim milk powder as such with the other ingredients. And that is in compliance with the provision of this statute which makes necessary the declaration of the various ingredients, not quantitatively, but qualitatively, of foods prepared from a mixture of two or more ingredients.

Let me interrupt myself there to say that at the former hearing it was said that the Food and Drugs Act did not to anything more than prescribe the use of false and misleading labels; that if one eschewed all false and misleading statements there would be a compliance with the law, even though there be given on the label no sort of information which would aid the consumer in buying intelligently, forcing him thereby into buying a pig in the poke, perhaps.

That was true under the old law. There were not those affirmative provisions for the disclosure of information to the consumer on the labels of food products under the old law that have been provided in this new statute. This statute is replete with injunctions to manufacturers, to the courts, and to administrative officers about the affirmative declaration of information on the label which will enable consumers to buy products for just what they are.

The statute itself, it has already been shown, is to promote honesty and fair dealing in standardizing food products. It uses the precise terms of the old statute in declaring a product to be misbranded if it is false and misleading in any particular, and then it says this under section 201 (n):

If an article is alleged to be misbranded because the labeling is misleading, then in determining whether the labeling is misleading there shall be taken into account, among other things, not only representations made or suggested by statements, words, designs, devices, or any combination thereof, but—

and note this—

also the extent to which the labeling fails to reveal facts material in the light of such representation.

In section 403, which is the one that defines particularly the misbranding of food products, there are repeated indications of the purpose of Congress to have such information disclosed as will promote an understanding and intelligent buying on the part of consumers. Section 403 (f) says:

If any word, statement, or other information required by or under authority of this act on the labeling is not prominently placed thereon, and with such conspicuousness as compared with other words, designs, devices, or any combination thereof, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use—

it will be a misbranded product.

I am not going to read all these sections.

Mr. CHAPMAN. This proposal that is before us starts out with two terms that are really in the alternative, dried milk solids, or defatted milk solids. Do I understand correctly that if this proposal should be adopted one could label dried skim milk as either dried milk solids or defatted milk solids?

Mr. CAMPBELL. Yes.

Mr. CHAPMAN. It just strikes me that defatted milk solids possibly comes nearer to stating the—

Mr. CAMPBELL. True, but it probably never would be used.

Mr. CHAPMAN (continuing)—the situation correctly than would dried milk solids. I think probably that is right, that it would never be used. I think if I wanted to sell that product I would prefer to label it dried milk solids rather than defatted.

Mr. CAMPBELL. Exactly.

Mr. CHAPMAN. I can understand that probably throughout the country the term "skim milk" is a little derogatory. Might there



be some term—and maybe you would prefer not to answer this—that would get away from that and yet fully describe the product?

Mr. CAMPBELL. I think that there has been an understanding on the part of the public, erroneously, that skim milk was not a valuable food.

Mr. CAMPBELL. The cream is worth more on the market than the skim milk. The cream is the product that may be preferred. We think frequently of making milk that we are going to drink richer by the addition of cream to it. In the past there has been a pretty universal tendency to more or less disparage skim milk because it is a residue; something left after the cream had been removed. I understand that and I fully recognize the psychology of the Nation, perhaps, on that score. But now that we have an aroused interest in nutritional questions and know that there is extensive informational service by the Bureau of Home Economics and other governmental agencies, both State and Federal, the purpose of which is to acquaint the consuming public with the nutritional value of various types of foods, such general prejudice as may have existed is rapidly being overcome. Even though it has less food value than whole milk Dr. Stanley said this morning that there was not a prejudice against skim milk. But, Congressmen, assume that there is, I submit the proper way to meet that, the intelligent, the American way to do it, is to tell the truth about the value of skim milk, inform the public about it, and not enact legislation that will permit it to be sold for something that it is not. I think that if this bill were enacted, it would react to the disadvantage of the producers of dried skim milk. If it were to promote sales to individuals temporarily through a misunderstanding on their part, through failure to recognize that it was skim milk, eventually, when the truth was found out, wouldn't there be an unfavorable reaction? It seems to me this is a question for education and not a question for deception. In any event, I think deception whether it is effected through administrative operations or through legislation, is to be definitely decried when it comes to dealing with the public under a law like the Pure Food and Drugs Act which is designed for their protection.

I have no prejudice against skim milk. It is a wholesome food. I have had experience on the farm as a boy, and I have drunk my proportion of skim milk.

Mr. Chairman, I have taken up more time than I had intended.

Mr. WADSWORTH. Has there been widespread complaint against the order?

Mr. CAMPBELL. No; the only complaint is by the group who made the appeal for a court review. The manufacturers are the only ones I know of who complained against it. The manufacturers are using labels declaring the product to be dried skim milk. It seems to me that the figures indicating the increase in output, particularly since this standard was enacted, is evidence to support the statement that skim milk is known for what it is both when sold as such and in the products in which it is used.

The CHAIRMAN. Mr. Campbell, this hearing that was held was on the question of fixing a standard for this separated milk, skim milk or whatever you want to call it, and everyone had an opportunity to present their side?

Mr. CAMPBELL. Yes, sir; it was a public hearing.

The CHAIRMAN. What was the change demanded?



Mr. CAMPBELL. It was proposed at that hearing by the manufacturers of these products, just as stated by the circuit court in its opinion, that the product be designated "milk solids, not to exceed 1.5 percent fat," instead of being designated as indicated in the general announcement and in the proposal for a standard, as "dried skim milk," or "skim milk powder."

The CHAIRMAN. The hearing brought out that testimony?

Mr. CAMPBELL. Yes, sir.

The CHAIRMAN. Then, I take it, it is not your idea that some other term could be used which would adequately define the product and which would be free of the stigma of inferiority of the product. Isn't that possible?

Mr. CAMPBELL. I don't know, Mr. Chairman, that I see any advantage to be gained by that. If there is some name that is synonymous with and truly indicative of, skim milk there should be no objection, of course, to the use of that name; but there would be just as much prejudice, if there is a public prejudice, against that name as there would be against skim milk.

The CHAIRMAN. I don't agree with you on that. Skim milk originated, of course, long before we had separators.

Mr. CAMPBELL. Yes.

The CHAIRMAN. There is this feature that occurs to me. It seems to me that skim milk does carry a stigma. In the first place, the words skim milk refer to a milk produced by separating the cream from the milk. Originally the milk was put in shallow pans, the cream was skimmed off by a mechanical process which led to this term "skim milk." Ordinarily that milk was allowed to stand for from 24 to 48 hours before the skimming process took place, and under conditions, ordinarily, where there was not very great care taken of it and there was a substantial deterioration in the quality of that remaining product on account of the process of removing the cream and the bacterial action that took place until that cream was taken off. So, in the first place, the skim milk produced by that process was not separated milk. This inferior product, as it then was, is not the product of today. If milk was produced in the form of dried milk of this type from the old milk that remained after the cream had been skimmed off and permitted to stand for 1 or 2 days, it would certainly be an inferior product to the product that is known today. So I think the word "skim milk" as now applied to this new product is a term that originated to describe an inferior product. While there is still a separation of the milk from the cream the product that remains today is very substantially different from the inferior product that existed earlier.

We have had testimony here from responsible people, a number of college professors engaged in the work, from the dairy industry, from manufacturers, who claim that there is a disadvantage from the use of that term "skim milk."

It also occurs to me that there is a little deception in the use of that word "skim" because it connotes an inferior quality, and it does not give credit for the conditions under which this milk is prepared at the present time.

Why I asked you about that hearing is this: Is it not possible that the dairy industry, or those interested, could by suggesting a more appropriate name, perhaps conform to the wishes of your organization and meet any legitimate demands of the industry, without the

necessity of any legislation? Is it not possible that this matter might be handled from that standpoint?

Mr. CAMPBELL. Mr. Chairman, under the law a rehearing can take place at any time when reasonable grounds are stated for it, and when it is asked by the industry or a substantial portion of it. The law makes it incumbent upon the administrator under such circumstances to hold a hearing to amend or to make a new standard.

I have never heard, Mr. Chairman, in my experience in both rural and urban sections of acceptance of the term "skim" by consumers as indicative of sanitary quality. You can remove the fat from the milk mechanically, you can do it by the old process of skimming, you can do it by decanting or pouring the cream off the bottle that you have permitted to stay in the icebox overnight. All of these processes, after all, are skimming, and I think the definition of that word in the popular mind means merely the removal of the fat, and I do not think there can be any serious consideration of the word "skim" as a derogatory term from the standpoint of a deteriorated quality of milk or an indication of its sanitary condition.

The CHAIRMAN. You would not say that skim milk as it ordinarily existed before the days of the separator was really equal to that of the separated milk that we have today?

Mr. CAMPBELL. It could be produced just as satisfactorily as if you had used a separator. It depends altogether upon the conditions under which it is made.

The CHAIRMAN. You wouldn't say it was?

Mr. CAMPBELL. We are making rapid strides throughout the country in the preservation of milk as well as in the production of milk products from skim milk. There could be no objection, in my mind, to a skim milk that had been acquired by the removal, with a ladle or with a spoon, or by the decanting of the cream from that milk if the milk had been kept under conditions that the public have been impressed are necessary for its preservation. You could have a deteriorated, heavily bacterial infected milk that has been skimmed by the use of a separator. It is all a question of proper protection, proper preservation, and proper handling of the milk. I have never encountered anywhere, at any time any public indication of the significance of the word "skim" as relating to the sanitary quality of the milk.

The CHAIRMAN. Of course, I think that the original conception of skimmed milk carried with it the stigma of inferiority. It was inferior.

Mr. CAMPBELL. That is right; some of the food value has been removed.

The CHAIRMAN. It was also inferior because deterioration had occurred during the time it was allowed to stand. I was raised on a farm myself and I know that skim milk was so considered. It was fed to the hogs.

Mr. BULWINKLE. Let me ask you this. Would there be more butterfat left in the milk after skimming with a ladle?

Mr. CAMPBELL. You cannot remove the fat quite so completely that way.

Mr. SANDERS. Which deteriorates the quicker, the solids or the residue?

Mr. CAMPBELL. Let me try to answer that in this way. I think you will have more difficulty in an attempt at the preservation of the

whole milk solids than you would with skim milk solids. The oxidation of the fat will produce a rancid condition, and a rancid odor more rapidly than if the fat were not a part of a food product. But you are going to have pronounced deterioration with either one if they are not properly made and properly handled.

Mr. SANDERS. Would that be true of the whole milk when the fat content is removed, that the residue lasts longer than the other?

Mr. CAMPBELL. That is right.

Mr. SANDERS. Is that true of the whole milk?

Mr. CAMPBELL. I wouldn't want to say that. I don't think that under commercial conditions, ordinarily you would attempt to keep fluid whole milk for the same commercial life under the same commercial circumstances that you would the milk powder. Rancidity of the fat in the powdered product is the objectionable feature.

Mr. YOUNGDAHL. Doctor, may I ask a question? If skim milk is the skimming of the cream or fat off the milk, would you see any deception in the term "defatted milk"?

Mr. CAMPBELL. I don't think the public ordinarily would know what that meant. If they did, if there was an understanding on the part of the public that defatted milk powder meant the same thing that skim milk powder means there could be no objection at all, but I don't think there will be that understanding.

Mr. BULWINKLE. Don't you think the average conception of skim milk is it is the result of a defatting of the milk?

Mr. CAMPBELL. It is the removal of the cream.

Mr. PATMAN. Mr. Chairman, may I offer one suggestion? Mr. McGann was on his way here from New Mexico, but he has evidently gotten into a mix-up somewhere and has not arrived. But he is on the way.

In view of the fact that there seems to be so little difference between the parties on both sides, may I suggest that we ask these people to get together and see if they cannot agree on a term or phrase that is satisfactory? That is, suspend any legislative attempt to change the law for a certain period of time, say 30 or 60 days, pending that effort on their part. I am authorized to state for the people that are interested in this, and who got me interested in it—and it is the second largest industry in my district, incidentally, that they are willing to do that. They want to agree on some phrase or some term or some word that will be satisfactory, that will not be deceptive, that will tell the truth and yet not use that offensive phrase "skim milk."

The CHAIRMAN. I have always found Dr. Campbell a very fair man, and I think the industry could have a proper hearing if they would go to him with that matter; and I hope that they will be able to reach a satisfactory conclusion and arrive at a phrase that will at the same time tell the truth and get away from the objections that have been raised.

Mr. PATMAN. I will say now, Mr. Chairman, that if the chairman will suggest to the Department that they do that, I will ask that the other people send representatives here.

The CHAIRMAN. I suppose that is a matter for the Department rather than this committee. I will be glad if any satisfactory arrangement can be made.

Mr. PATMAN. Would the Chairman mind asking Dr. Campbell if he would cooperate in that effort?



The CHAIRMAN. I don't want to exact any pledge, but I haven't any doubt but that he will. The doctor is a fair man.

**STATEMENT OF THE HONORABLE MERLIN HULL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN**

Mr. HULL. Mr. Chairman, I will not be long with what I have to say.

In my opinion the chairman has touched upon the crux of the whole question in his statement regarding skim milk. I don't believe, practically speaking, there is a pound of dried powder from skim milk in the United States today. I don't believe that there is enough skim milk being put out in powdered form to fill the average 10-quart pail, in the United States.

Skim milk is just as much a misnomer for any kind of a dry powder as the Department could claim under any circumstances. I come from a country where we have thousands of cows, about one-half of all the cheese in the United States is made in Wisconsin. We sell 75 percent of our milk in manufactured form. We built our creameries, some 700 of them in the State; we have around 2,000 cheese factories, and about 80 or 85 condensories, and numerous plants for making dry milk powder. I think we know a little something about what milk is and what skim milk used to be. The Department has not gone deep enough into this question to determine the difference between the skim milk and separated milk, the residue of whole milk that is skimmed or separated.

When we first went into the creamery business in Wisconsin we had no separators. The milk which the farmers produced was not, of course, of the present high quality. One of the methods provided in the way of getting cream for the creameries was earthenware crocks or jars. Those receptacles were put into a tank of water pumped from the well and cooled. The cream rose to the top.

We found, however, in marketing our butter in the large centers of the country that there was something wrong with the creamery product. It could not compete with the butter which then was produced in New York State and to some extent in the State of New Jersey, where they had better facilities and fresher cream.

Experiments resulted in a change from the earthenware crock as a receptacle for whole milk and the tin can came in, cans that probably held 6 or 8 gallons of milk. We built the large cooling tanks where we immersed the cans in water, frequently made cooler with ice. That remedied some of the difficulties we had as pioneer dairymen out there in the Northwest, but not all.

Then came the discovery that the milk in the center of the cans cooled less rapidly, resulting in poor cream. One of the great inventions in the early days of the creameries in Wisconsin was the milk can with a tube up through the center, and then another tube from the top of that out through the side of the can, which permitted circulation of water. That was supposed to remedy the condition of what was called rotten milk. That was the can we used and continued to use until the common use of the separator was established. So, practically speaking, since the day the separator came into general use we have had no skim milk in Wisconsin. We do not skim it, and skim milk would not make a proper kind of dry milk powder, even if we had that old system now.



So, there is no such thing as "skim" milk now produced. It is "separated milk." We know it out there in the Northwest. I don't know—there may be some few family cows somewhere, and some old-fashioned folks may be keeping the milk down cellar in a crock, and in that way they might get a little "skim milk," but practically speaking, the entire dairy industry uses the separator for obtaining cream for butter making.

About a year ago we were asked in the Northwest to greatly increase dairy production. Along in June, Mr. Wickard, Secretary of Agriculture, called on the dairy farmers to increase the production of cheese. He also called on the people of the country to eat less cheese, and use substitutes in order that we might take care of the needs under the lend-lease program.

Meetings were held in nearly every township in my District and in my State, and in almost every school district. Representatives from the Department, together with the county agents and others interested, College of Agriculture people, went out and told the farmers of the necessity of changing from the sale of their cream to the creameries and keeping the separated milk on the farms and transferring their production to cheese factories, in order to increase the output of cheese. They wanted an increase of 250,000,000 pounds for England alone.

The farmers responded. We established a number of central drying plants—one of them in my District, costing some \$200,000—for the purpose of taking the whole milk from the farmers who were patronizing creameries, and using the separated milk to make dry powdered milk for the lend-lease demands. Other farmers stopped selling their cream to creameries and sold the whole milk and the creameries would hire trucks to carry that whole milk to cheese factories in order to increase the production of cheese.

In June of last year the entire Wisconsin delegation in Congress went to Secretary Wickard to call his attention to the fact that if this movement continued it would bring on a very serious situation in the dairy industry in Wisconsin. Some could not understand that you could not transfer 42 percent of the milk produced in Wisconsin from the butter factories into the cheese factories and into the condenseries without dislocating the industry.

Now they have found that out. We are producing in Wisconsin about 45,000,000 pounds of cheese a month. That is nearly as much as the entire annual production of the whole country 2 years ago. There are nearly 300,000,000 pounds of cheese in storage. We have flooded milk into the condenseries and we have about 250,000,000 pounds of evaporated milk in storage. We have increased the production of powdered milk. We have also got around 70 or 80 million pounds of butter in storage, or about double the average amount for this season of the year. That has been the response of the Wisconsin dairymen to the demand made upon us.

Now, the Department of Agriculture is making a survey of that situation, in connection with the Department of Agriculture of Wisconsin, trying to find a way out for this enormous supply of whole milk. To make 45,000,000 pounds of cheese a month requires about 30 or 35 percent of the entire milk production in Wisconsin. It means practically 450,000,000 pounds of milk a month.

The condenseries have not been able to take all the milk that has been offered to them. They have their products stored away. I have had a letter from one of the larger ones. They do not know what is

going to happen to the evaporated milk industry. They cannot understand how they can get away with it, because the Government itself has reduced its order from 20,000,000 cases of evaporated milk to 7,000,000 cases in the course of a few weeks. Cheese has dropped 3 cents a pound and it would have gone down possibly to 10 or 12 cents but for the floor put under it by Mr. Wickard. Butter, of course, has been on the decline and the warehouses are full of it, some from home, some from abroad.

That is our situation out there, and we have got this great increase in dry powdered milk. We are making about 16,000,000 pounds of dry powdered whole milk there today, and we have quite a number of condensories that are changing over to producing powdered milk instead of canned evaporated milk. We have got a serious situation out there at present, and unless something is done there is going to be even more serious consequences to the dairy industry in Wisconsin, and in Minnesota and Iowa as well. Those three States produce over 40 percent of the dairy products of all the country and the difficulties are growing more acute day by day.

So now we come to Congress, and we ask an opportunity to aid conditions by expanding the sale of dry powdered separated milk. We ask that our product shall be permitted to be sold under its proper name, and its sales not be hampered by the use of the word "skim" on the packages in which it is sold.

We ask that because it will increase powdered milk sales; we ask that because of the need for nutrition, we ask that because that old name of "skim milk" put dry milk powder in an unfavorable light to the people.

At present we have 9,000,000 school children in the United States who are not getting any milk, no milk whatsoever, because the schools are on vacation. Dried separated milk would not be as good for those school children as whole milk. We realize that fact, but by getting the separated milk powder on the market in a way that will become popular, and the people come to understand the use of it, and there will be a great benefit to the 9,000,000 school children who are now getting no milk whatsoever, but who could and would use dry milk powder properly labeled.

I am not going to take the time to try to go into the more intricate details of this powdered milk situation, but I would say this, so far as the Food and Drug Administration is concerned. Out in our dairy country, out where we milk the cows, out where we have made this great increase in production, out where we flood the markets with the product, like we are doing now, out there we have had many questions up in which the Food and Drug Administration might be concerned. Over 20 years ago we came to Congress and asked the Congress to stop the sale of "filled milk" where they take the butterfat out of the milk and put in coconut oil, and then put it in cans which are sold to people who believe they are buying condensed milk. We obtained a law, but the manufacture of filled milk has gone on ever since the law was passed. The only reason now that sales have been curbed is because the War Production Board has refused to let them have the cans for the canning of that fraudulent product.

We have endeavored to get bills through Congress that would put a penalty on the firms who manufacture this product; a jail sentence, for instance. They have been brought into court repeatedly and fined.

But the Food and Drug Administration has never come to Congress and asked Congress to put a penalty of a year in the "pen" for a second offense, or some other severe penalty to stop that practice.

We are making this appeal in order that it may open more markets for dry milk powder. As soon as that demand from overseas stops—and it will stop when the war ends, because Britain will then get their dairy products from Denmark and Australia and New Zealand, as it has in previous years—when this war is over and that market is stopped, then you are going to have the new cheese factories, and many new powdered milk plants, some established by Government money to take care of this separated milk situation. This measure will not relieve the situation very greatly, but by broadening the sales of dry powdered separated milk it will do much good.

We have responded to the demand of the Government as to production. Now the dairy people are making a moderate demand. Congress has delegated broad powers to the Food and Drug Administration under a law that was drafted in that Department. It was drafted with such severe restrictions that Congress itself greatly amended the bill. It has changed it from time to time and made it what it is. A Government department, once it obtains a power, never gives it up unless Congress compels it to. This Department has ruled that this dry powdered separated milk, must be sold as "skim milk." As I have told you, it is not skim milk. It never was skim milk. But because the Department officials have taken a stand, because they have adopted an attitude on that particular proposition, they refuse to back down. They are going to stand upon their pride of opinion; they are going to stand upon what they thought was right, whether it was or not, and they are going to keep right on oppressing the dairy industry by this outmoded regulation. Let the dairy farmer find a market for a product which the Government asked him to produce by passing this bill.

(Whereupon at 11:40 a. m., the committee went into executive session.)





# NONFAT DRY MILK SOLIDS

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TUESDAY, MARCH 16, 1943

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERSTATE AND  
FOREIGN COMMERCE,  
Washington, D. C.

The committee met, pursuant to call, at 10:30 a. m., in the committee room, New House Office Building, Hon. Clarence F. Lea (chairman), presiding.

The CHAIRMAN. The committee will come to order.

We have met this morning for a hearing on H. R. 149, which proposes that Congress write a standard of identity for certain types of dried milk.

In the last Congress, on June 16 and July 14, hearings were had on a similar bill, H. R. 7002, and those hearings will be considered in connection with the hearings that we are conducting at this time.

(H. R. 149 above referred to is as follows:)

[H. R. 149, 78th Cong., 1st sess.]

A BILL To increase agricultural purchasing power and to meet the need of combating malnutrition among the people of low income by defining and making certain a reasonable definition and standard for nonfat dry milk solids

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the purposes of the Federal Food, Drug, and Cosmetic Act of June 26, 1938 (ch. 675, sec. 1, 52 Stat. 1040), dry milk solids or defatted milk solids is the product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It contains not over 5 percent moisture. The fat content is not over 1½ percent unless otherwise indicated.

The term "milk," when used herein, means sweet milk of cows.

The CHAIRMAN. I might state something of the background of this proposal. Section 401 of the Food, Drug, and Cosmetic Act provides:

Whenever in the judgment of the Secretary—

Meaning the Secretary of Agriculture at that time, but now the Administrator—

Whenever in the judgment of the Secretary such action will promote honesty and fair dealing in the interest of consumers, he shall promulgate regulations fixing and establishing for any food, under its common or usual name so far as practicable, a reasonable definition and standard of identity.

In section 701 of the same act it provides:

The definitions and standards of identity promulgated in accordance with the provisions of this Act shall be effective for the purposes of the enforcement of this Act, notwithstanding such definitions and standards as may be contained in other laws of the United States and regulations promulgated thereunder.

The Secretary, on his own initiative or upon an application of any interested industry or substantial portion thereof stating reasonable grounds therefor, shall hold a public hearing upon a proposal to issue, amend, or repeal any regulation contemplated by any of the following sections of this Act—

which includes section 401, the section from which I have just read.

The dairy industry has requested hearings on this question on three different occasions, first August 23, 1940, which was denied, September 18, 1940; and on November 12, 1940, which was denied by the Department November 12, 1941. At the conclusion or near the conclusion of the hearings held last year, it was suggested that the dairy industry and the representatives of the Department get together with the view of trying to agree upon language which would prescribe a satisfactory standard of identity for this class of dried milk. Unfortunately the effort was futile.

Does anyone here have a copy of the application of the dairy industry presented to the Department in the early part of this year or the latter part of last year?

Mr. CHAPMAN. What was that application for, Mr. Chairman?

The CHAIRMAN. The application was for hearings on this standard of identity for dried milk.

Well, we will let that go for the present.

Mr. HALLECK. Mr. Chairman.

The CHAIRMAN. Mr. Halleck.

Mr. HALLECK. What was the point of disagreement, finally?

The CHAIRMAN. I want to read the application just referred to, to show what the point of disagreement was. It was a petition to adopt a standard of identity. In substance the application asked the Administrator to consider the words proposed in this bill, or other words that might accomplish the same purpose. It left to the Administration to adopt such standard as it might see fit to adopt without including the word "skim" as part of the definition.

Mr. HALLECK. Particularly I was wondering, Mr. Chairman, whether or not the people representing the milk or dried-milk industry insisted on both of these definitions as contained in the bill, or one of them.

The CHAIRMAN. It did not insist on either. They insisted on some definition that would remove the words "skim milk."

Mr. CHAPMAN. Mr. Chairman.

The CHAIRMAN. Mr. Chapman.

Mr. CHAPMAN. Mr. Chairman, did they propose or suggest any other name in lieu of dried skim milk or the words mentioned in this bill?

The CHAIRMAN. Well they left that to the Department to decide, except of course they suggested the words in the text of the bill.

Mr. CHAPMAN. They did not make any suggestions?

The CHAIRMAN. They made suggestions, but left it up to the Department to decide by providing other language that would correctly define this product.

Mr. CHAPMAN. But they did not propose any other name?

The CHAIRMAN. No; they suggested these two definitions or any other name that the Department saw fit to provide. They did not confine their requests to these two words.

Mr. O'HARA. Is not that the whole problem, finding a name that will properly describe the product without misleading the public?

The CHAIRMAN. Yes.

Mr. O'HARA. Mr. Chairman, I understood from reading the hearing last night—have you concluded, Mr. Chairman?

The CHAIRMAN. Yes; go ahead.

Mr. O'HARA. What I was going to say, as I gathered from the hearings that were had last year on this bill, the dairy people insisted that the words "skim milk" is not a proper name for this type of milk in the modern sense of the word.

The CHAIRMAN. They did insist upon that, and I have the statement now which I will read. This is dated January 28, 1943, addressed to Hon. Paul V. McNutt, Administrator, Federal Security Agency, Washington, D. C.

WASHINGTON, D. C., January 13, 1943.

Hon. PAUL V. McNUTT,  
*Administrator, Federal Security Agency,  
Washington, D. C.*

DEAR ADMINISTRATOR: In accordance with the provision of sections 401 and 701 of the Federal Food, Drug and Cosmetic Act, and regulations made pursuant thereto, the undersigned representatives of a substantial portion of the dried milk industry (more than 80 percent) hereby apply for a public hearing upon a proposal to issue and amend the regulation established by your order of July 6, 1940, establishing a standard of identity for dried skim milk, powdered skim milk, and skim milk powder.

As a reason for the issuance of such an order and amendment of the existing regulation, we assert that the present regulation requiring the use of the words "dried skim milk, powdered skim milk, skim milk powder" inaccurately describes the product to which they refer; that they are deceptive to the public, that the use of such terms handicaps the production of dry milk products and also reduces the market for such products.

The value of defatted dry milk is recognized at the present time by the fact that 90 percent of the spray process product is being requisitioned for military and lend-lease purposes.

It is important to American industry and consumers that when the readjustment period comes after the war, that the great volume of this valuable food product shall be available to the consumers without carrying a label that stigmatizes its use.

We request that any regulation that may be issued, or amendment of the present regulation, shall eliminate any provision for the compulsory use of the words, "skim, dried milk, powdered skim milk, skim milk powder."

We suggest that a standard of identity include the words, "dry milk solids or defatted milk solids," or other words which accurately define the finished product; that the standard should define the product and not the method of preparation or what is misconceived to be the method of preparation.

We believe that the changes proposed as to this regulation would be in the interest of national defense and the nutritional welfare of the country. The amendment of this provision will materially add to the war food supply both for our own and allied countries during the progress and after the war.

We do not believe that the provisions of the law requiring the name of a product by its "common or usual name so far as practicable" militates against the use of a term such as is suggested for the reason that, as may be demonstrated, the names "dried skim milk, etc.", are misnomers and it is entirely impractical and unjust to continue to apply to this valuable food product a name which impedes its production and use.

The industry has long desired this change. We urge that notice of a hearing be given promptly and that disposal of the application be expedited.

Respectfully submitted.

AMERICAN DRY MILK INSTITUTE.  
(For itself and in behalf of its members.)  
ROUD McCANN, *Director*.  
NATIONAL COOPERATIVE MILK PRODUCERS FEDERATION.

The CHAIRMAN. On February 2, 1943, the refusal of the Department was stated in a letter from Watson B. Miller, Assistant Administrator,

addressed to Mr. McCann, as the one who signed this original request for hearings.

FEDERAL SECURITY AGENCY.  
Washington, D. C., February 2, 1943.

MR. ROUD W. MCCANN,  
*Director, American Dry Milk Institute,*  
*Chicago, Ill.*

DEAR MR. MCCANN: Please let me make reference to the petition of January 13, 1942, for a public hearing under the provisions of the Federal Food, Drug, and Cosmetic Act upon a proposal to amend the order of the Federal Security Administrator, dated July 6, 1940. This petition was signed by you in your official capacity and by Mr. Charles W. Holman, secretary of the National Cooperative Milk Producers Federation.

I have to advise you that an examination of the grounds set out in the petition, as required by law, does not warrant a formal reconsideration of the order; nor do the grounds appear to be of such a nature as would justify a change in the order of July 6, 1940, considering the other statutory requirements with which you are, of course, familiar. This conclusion has been reached not only after considering the terms of the petition but following a study of the recorded history of this question through more than 4 years.

Advice of identical character is being sent to Mr. Holman as to this decision, and may I add that I have conferred personally with the Honorable Clarence F. Lea, Representative in the Congress from California, who, with Congressman Wright Patman and representatives of the dry-milk industry lately discussed with me the matters involved in the petition.

Very sincerely,

WATSON B. MILLER,  
*Assistant Administrator.*

Now, at this time, the first witness I have on the list is——

MR. CHAPMAN. Mr. Chairman, was this bill referred to the Federal Security Administrator?

THE CHAIRMAN. I do not know. The bill last year was referred to the Federal Security Agency, and this bill is the same bill. I have here the report of the Administrator.

MR. CHAPMAN. I would like to have that read into the record, too, along with those others.

THE CHAIRMAN. The report is dated—well, this is on the other bill, but it covers the same subject. It is dated June 15, 1942.

FEDERAL SECURITY AGENCY,  
Washington, June 15, 1942.

HON. CLARENCE F. LEA,  
*Chairman, Committee of Interstate and*  
*Foreign Commerce, House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Reference is made to your letter of April 28, 1942, requesting a report relative to H. R. 7002, a bill to increase agricultural purchasing power and to meet the need of combating malnutrition among the people of low income by defining and making certain a reasonable definition and standard for nonfat dry-milk solids.

This bill proposes to establish a definition and standard for the food to which it refers for the purposes of the Food, Drug, and Cosmetic Act.

As you may recall, pursuant to and by virtue of the provisions of section 401 and 701 (e) of the Federal Food, Drug, and Cosmetic Act, a definition and standard of identity for this food was established under date of July 6, 1940, and published in the Federal Register of July 12, 1920 (copy attached). This action was taken in accordance with the law after proper hearing and findings of fact. Thereafter an effort was made to invalidate the order by a petition to the Circuit Court of Appeals of the Eighth Circuit (*Twin City Milk Producers Ass'n et al v. McNutt, Federal Security Administrator (American Dry Milk Institute, Inc., et al, Interveners)*, 122 Fed. (2d) 564, 123 Fed. (2d) 396). The order was approved and affirmed.



If enacted, H. R. 7002 will have the effect of amending this definition and standard of identity as follows:

## PRESENT FOOD AND DRUG REGULATION

Dried skim milk, powdered skim milk, skim-milk powder, is the food made by \* \* \*

It contains not more than 5 per centum of moisture, as determined by the method prescribed in "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", fourth edition, 1935, page 282, under the caption "Moisture-Tentative."

The term "skim milk" as used herein means cows' milk from which the milk fat has been separated.

The principal issue presented by the proposed bill is as to the name under which the product is to be sold. The names permitted under the present food and drug regulation are "dried skim milk," "powdered skim milk," and "skim-milk powder." At the hearing prior to the adoption of this regulation the contention was advanced that the use of the term "skim milk" is arbitrary and unreasonable because it tends to create a derogatory impression in the public mind of the quality or the food value of the product. It was developed that manufacturers had been fostering the use in the trade of the designation "dry milk solids not over 1½ percent fat." The evidence showed that consumers are unfamiliar with this designation, that it is not correctly descriptive of the product, and that it is misleading. From the record it was apparent that if the adoption of such a designation would promote the sale of the product, this would be accomplished only through deception of consumers.

Relative to this point the circuit court of appeals (122 Fed. (2d) 568) said:

"It is further contended that the use of the term 'skim milk' is arbitrary and unreasonable, because it tends to create a derogatory impression in the public mind of the quality or food value of the product. The American Dry Milk Institute, which was an association of producers of skim-milk powder, had been trying to foster the use in the trade of the designation 'dry milk solids not over 1½ percent fat,' and petitioners and interveners asked the Administrator to adopt this term.

"The statute required the Administrator, in fixing a definition and standard of identity for a food, to do so 'under its common or usual name so far as practicable.' What was the common or usual name of the food product here involved, and whether its use in a regulation would be practicable for administrative purposes, were questions for the Administrator, on which we would not be at liberty to disturb his determination, if based upon substantial evidence. Such substantial evidence is contained in the record in this case. The Administrator was not required to hold it impracticable, for regulation purposes, to use what the evidence sufficiently showed to be the common or usual name of a product among ultimate consumers, merely because such a designation might not be as conducive to sales by producers as some terms of commercial coinage and glossing. The Administrator's obligation under the statute was simply the promotion of honesty and fair dealing in the interest of consumers. While he would have no right to adopt a designation for the purpose of destroying trade in a legitimate food product, there could ordinarily be no arbitrariness involved in using the common or usual name of such a product for regulation purposes."

An important feature of the Food, Drug, and Cosmetic Act which was proved of great value to consumers is its requirement of informative labeling of food and drug products. To insure that consumers will be neither misled nor con-

## PROPOSED BY H. R. 7002

Dry milk solids or defatted milk solids is the product resulting from the removal of fat and water from milk, and contains lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made.

It contains not over 5 per centum moisture.

The fat content is not over 1½ per centum unless otherwise indicated.

The term "milk", when used herein, means sweet milk of cows.

fused by the names employed on labels, the act required that labels of foods and drugs bear their "common or usual" names, and the "common or usual" names of ingredients. Although in the present case it has been found that milk from which the milk fat has been separated and moisture removed is commonly known as "dried skim milk," "powdered skim milk," or "skim milk powder," H. R. 7002 seeks a designation of this food as "dry milk solids" or "defatted milk solids." At best these proposed names are confusing; at worst, thoroughly deceptive.

Dried skim milk is a valuable food, but it should be sold for what it is. No good is to be accomplished by so changing the definition and standard as to create the impression that the product in question is not a skim-milk product. Even if this should accelerate sales temporarily, it is probable that producers and marketers would find in time that the consuming public has discovered the products mislabeling and reacted accordingly.

Since enactment of the bill would weaken the consumer protective features of the food and drug law and would create a wholly undesirable precedent, I recommend that it not be enacted.

This Agency is advised by the Bureau of the Budget that there would be no objection to the submission of this report to your committee, as it is not believed that this legislation could be considered as being in accord with the program of the President.

Sincerely yours,

PAUL V. McNUTT, *Administrator.*

The regulations which establish the standard of identity first mentioned stated, among other things:

The finished dried skim milk immediately after it has been dried and irrespective of the process of drying, contains about 3 percent of moisture.

The moisture content of the dried skim milk, packaged and marketed according to accepted commercial methods, is not more than 5 percent.

The order provided:

Dried skim milk, powdered skim milk, skim-milk powder, is the food made by drying sweet skim milk. It contains not more than 5 percent of moisture, as determined by the method prescribed in Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists, fourth edition, 1935, page 282, under the caption "Moisture—Tentative." The term "skim milk" as used herein means cows' milk from which the milk fat has been separated.

The order is dated July 6, 1940.

The first witness was to have been Dr. E. V. McCollum, professor of Biochemistry, the Johns Hopkins University, school hygiene and public health, Dr. McCollum could not find it convenient to be present, but he has submitted a letter stating his attitude upon the matter.

Dr. McCollum is, as I understand it, noted as a leading scientist in the original work that discovered vitamins, and is one of the world's foremost nutritionists. His letter addressed to this committee is as follows:

BALTIMORE, MD.

HON. CLARENCE F. LEA,

*Chairman, Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D. C.*

GENTLEMEN: It is my hope that your committee will approve and Congress will pass H. R. 149 in order to do justice to an excellent food product.

The term, "dry skim milk," which is now the legal name for dry milk solids, is unfair and untrue; it means inferiority and I'll tell how that came about.

But first, let me say that this product, which we want legally to call "dry milk solids" is now recognized by all nutritionists as the most valuable part of milk. It is also our greatest undeveloped food resource. If its development had been encouraged instead of being held back by a bad name, and we now had twice or three times as much milk powder for overseas shipment, our present emergency food problem would be greatly simplified.

It is another case of short sightedness—"too little, too late."

The historical reason why "skim" is a bad name is this: People were taught years ago that only the cream or fat of milk was valuable. Besides, the skimming method was primitive; milk stood for hours without refrigeration to let the cream rise, it deteriorated, and often the "skim" milk was only fit for hog feed. "Skim milk" came to mean hog feed and still does in the minds of most people.

Dry milk solids or defatted milk solids today are made from sweet separated milk. This milk is cooled immediately after milking and taken to modern manufacturing plants by quick transport. There it is put through a mechanical cream separator, shot under the pressure to the drier and becomes powder within a few seconds. There has been no deterioration as in the old-fashioned skimming process. In a food so delicate as milk this is of first importance.

In my research work in nutrition I have had much contact with food processors, particularly the baking industry. These bakers, before the Government took over, used 70 percent of the dry milk solids. In 1923 I spoke before a national convention of bakers and urged them to use dry milk solids in their bread. Since that time the use of the product in bakery goods greatly increased, because dry milk solids improves the loaf, enriches the bread. Yet bakers have learned not to tell their customers that they use what is legally called skim milk—they can't advertise that they enrich their bread.

Today the United States Government in its food distribution administration bakery order requires "all white bread shall be enriched, shall contain not less than 3 parts nor more than 4 parts of solids of milk or skim milk to 100 parts of flour \* \* \*."

How ridiculous to say "enriched" with "skim" milk; it is like saying black is white to the average consumer.

But when the order says, "enriched with solids of milk," that is different. The consumer knows that "solids of milk" is good food.

How can the Government justify requiring this industry to live under the handicap of the word "skim" and at the same time, in its own bakery order, use the terms "solids of milk" and "skim milk" as meaning the same thing.

Some people contend that "dry milk solids" is not the whole truth, since most of the fat is taken out. However, the industry for years has used the term "powdered whole milk" to designate "whole milk powder." I'm sure that "dry milk solids" is much closer to the truth than is the term "dry skim milk." If desired, "dry milk solids" might be modified by adding the words "not over 1½ percent fat." Or the words, "defatted milk solids" could be used. Nobody can claim that this is overstatement, for some fat does remain in the product. To those word purists who contend that "defatted" is not true because some fat does remain, let me say: Nobody questions the words "dehydrated" or "dry," yet in all products put through a dehydrating or drying process some water does remain.

I hope that I have made myself clear that I believe this fine, nutritious product one of our greatest food resources, deserves a good name such as "dry milk solids" or "defatted milk solids." I sincerely request your honorable committee, in the interest of building up our supply of human food, to approve this bill and recommend its passage by Congress.

Sincerely yours,

E. V. McCOLLUM, PH. D., SC. D.,  
*Professor of Biochemistry.*

MARCH 12, 1943.

The CHAIRMAN. The next witness on my list is Prof. C. L. Roadhouse, who is head of the dairy industry, University of California and past president of the American Dairy Science Association, and author of "The Market Milk Industry."

Professor Roadhouse, we will be glad to hear you.

STATEMENT OF PROF. C. L. ROADHOUSE, DAVIS, CALIF., HEAD,  
DAIRY INDUSTRY DIVISION UNIVERSITY OF CALIFORNIA, PAST  
PRESIDENT, AMERICAN DAIRY SCIENCE ASSOCIATION

Mr. ROADHOUSE. Mr. Chairman and gentlemen of the committee, the bill as introduced by Mr. Patman provides for increasing agri-



cultural purchasing power and to meet the needs of combating malnutrition among the people of low income by defining and making certain reasonable definition and standard for nonfat dry milk solids.

As an introduction, I should like to say that I am glad to have the opportunity to appear before your committee because of my conviction that something should be done to emphasize the great importance of utilizing for human food a larger proportion of milk solids-not-fat that are now used largely for animal feeding.

It is unfortunate that a derogatory term, such as skim milk, suggesting inferiority, should be used to designate what now is recognized to be an extremely important food. There is no question but that this unfortunate name has discouraged people from using the product and thus has retarded the development of the dry milk industry so that it now is short of the product when it is needed most.

Economy in the utilization of milk solids calls for their direct consumption by man, rather than by animals. There would be a tremendous saving in human food if this were done.

The Food and Nutrition Board of the National Research Council in their report on the Nation's protein supply quote the Statistics Flow-sheet, issued by the Bureau of Dairy Industry, in which it is stated that less than 8 percent of the skim milk produced during 1939 was converted into the dry state. An additional 9.5 percent was processed and marketed in other forms. More than 82 percent remained on the farms and was used as animal feed.

"Much of this protein should be salvaged." "The full significance of this incredible situation is appreciated when one realizes that the milk protein remaining on the farms each year is equivalent to the protein content of 20,000,000 beef steers." It is to be emphasized that the report does not make reference to the even larger quantity of lactose (milk sugar) contained in this volume of milk or to the value of the minerals contained in milk solids-nonfat.

For 25 years I have lectured to agricultural students on the high nutritive values of the solids-not-fat components of milk. I have emphasized that there is at least 3 pounds of protein in each 100 pounds of fluid milk or 3 pounds of protein in 9 pounds of dry milk solids and that the protein of milk is of a higher quality nutritionally than the protein in most other foods. There is an average of 4.8 pounds of milk sugar in each 100 pounds of fluid milk and when the lactose of milk is consumed regularly it serves to maintain a desirable bacterial flora in the intestinal tract which inhibits putriferactive fermentations. It has been shown at the University of Illinois that the lactose of milk serves to make the calcium of foods more available. When dry milk solids are used in bread and other bakery products they increase the nutritive value, improve the palatability by regulating the moisture content and give a uniform brown appearance to the surface. There are nine or more minerals in milk that are known to be necessary for the normal development of the body. Milk is the best available source of calcium that is so important in nutrition, particularly for expectant mothers, infants, and growing children.

In spite of such instruction offered in our colleges of agriculture in this country it is my belief that we have made very little progress in encouraging the general populace to use more solids-not-fat of milk



There could be a tremendous saving in human food if the available milk solids were all utilized.

Millions of pounds of dry milk solids are now being shipped abroad under the Lend-Lease program. If a name other than skim-milk powder is approved for this product it seems certain that a better market will be created that will continue after the war. This development would be an important economic advantage to agriculture and to the people in general.

The term "skim milk" should not be applied to that portion of milk that remains after the fat has been removed. It is not properly descriptive of the method by which the produce is now commonly prepared. Milk is no longer set in pans for creaming and the cream skimmed from the surface. It is separated from the fresh milk by centrifugal force as was described in Dr. McCollum's letter which the chairman read.

The nutritive value of dry milk solids made from separated milk is such that every effort possible should be put forth to encourage its use as human food. We believe the terminology used in the proposed bill will help to accomplish that purpose.

Mr. O'HARA. Mr. Chairman.

The CHAIRMAN. Mr. O'Hara.

Mr. O'HARA. I would like to ask Professor Roadhouse a couple of questions.

The CHAIRMAN. Very well.

Mr. O'HARA. Mr. Roadhouse, in your opinion, would the sale of more nonfat solids benefit both producers and the consumers?

Mr. ROADHOUSE. I believe it would. It would create a better market for the producer and it is our experience that human foods require better care and therefore market at higher prices than animal foods. I believe the result would be to increase the income to the farmer. The reasonable priced food of high nutritive value would be available in larger quantities to people in general.

Mr. O'HARA. I would like to ask, from your studies and experience along this line, whether the term "defatted milk solids" in the consideration of that term in your opinion, reasonably understates or exaggerate or overstate the real value as to human food of the so-called nonfat solids?

Mr. ROADHOUSE. Well, it really understates it, if it is called defatted milk or solids not fat, because in the separation of milk a small percentage of the fat remains in the liquid portion, in the product, which is commonly known as skim milk. When that milk is concentrated from 100 pounds down to 9 pounds from its liquid to its solid form, the amount of fat which remains in the skim is concentrated so that the fat percentage of the product is increased beyond that of so-called skim milk and would amount to something slightly less than 1½ percent fat in the dried product.

Mr. O'HARA. Thank you.

Mr. BULWINKLE. Mr. Chairman.

Mr. HOWELL. Mr. Chairman.

Mr. BULWINKLE. I want to have a little conversation with you, before you get away.

Mr. HOWELL. Professor Roadhouse, I have a statement here which is attributed to Jones, Morris & Pollock of the Water Research Coun-

cil, No. 114, August 1942, in which they state that the milk protein remaining on the farm each year is equivalent to the protein content on 20,000,000 beef steers. Does that sound like a reasonably accurate statement to you?

Mr. ROADHOUSE. That is the calculation of the Board on Nutrition in Foods to which I referred. That was appointed by the National Research Council. Their calculation was that the amount of protein in 82 percent of the milk which is left on farms would amount to that figure, to that equivalent.

Mr. HOWELL. That is all.

Mr. O'HARA. Professor, may I ask just a couple more questions, unless Major Bulwinkle wants to proceed?

Mr. BULWINKLE. You go ahead, Mr. O'HARA.

Mr. O'HARA. Professor, the words "skim milk" is considered by the industry as a derogatory term. I believe even Funk & Wagnalls' definition of skim milk would be considered derogatory of the actual food value of skim milk; is that not true?

Mr. ROADHOUSE. That is true, I think, throughout all countries of the world, and it should be changed. It is one of those things, which is wrong in my opinion.

Mr. O'HARA. To go back, all of us who are old enough to have lived on the farm know we used to set the milk in crocks or pans and then there was a chemical change and after a lapse of time the cream rose to the top, and it was skimmed off by a spoon or ladle, or skimmer, as they used to call it in those days. That was literally skim milk, was it not?

Mr. ROADHOUSE. Yes.

Mr. O'HARA. And that skim milk was usually either thrown on the ground or taken down and dumped into the hog pen, was it not?

Mr. ROADHOUSE. It was used I think largely for animal feeding, but considerable was wasted.

Mr. O'HARA. And as a matter of fact, up until recent years when we began the use of this dried milk process which has been developed, if you had called it sewer milk, or hog milk, or waste milk it would have been just as descriptive, as to its customary usage would it not, Professor?

Mr. ROADHOUSE. Well, I do not use terms quite that strong.

Mr. O'HARA. I am purposely, because I think it is a misnomer, and I am frank to say that I think it is a misnomer.

Now, the modern method is the cream is separated by centrifugal force from the milk, is it not?

Mr. ROADHOUSE. That is correct.

Mr. O'HARA. You have a different process entirely than the old term of skim milk; is that not true?

Mr. ROADHOUSE. That is true.

Mr. O'HARA. And the complaint which is made is that, strictly speaking, the term "skim milk" is not accurate description and it is not fair, and does not compare to separating milk under the conditions which we have today.

Mr. ROADHOUSE. We consider that it is not descriptive of the method by which this product is not prepared.

Mr. O'HARA. If you will bear with me for just a moment, the dairy industry and the milk industry as a whole, feel that the word

"skimmed" attaches an inferior complex to the actual food value of skim milk; is that not right?

Mr. ROADHOUSE. Yes.

Mr. O'HARA. And it is considered derogatory, and I think in the common usage which we have had over the last 30 or 40 years since I have been listening to the English language, when you refer to the word "skim" you mean that the worth-while products had been taken out.

Mr. ROADHOUSE. I think that is the general impression among the people.

Mr. O'HARA. And may I say for the record at this point—and I notice it was in the record last year on page 41 of the hearings that Practical Standard Dictionary, by Funk & Wagnalls, 1939 edition, defines skim milk as:

Skim milk: Milk from which the cream has been removed. Often used as a type of inferiority.

That is the dictionary definition of skim milk.

Now, in the development of this milk industry, you men who have devoted your lives to science have found that there are tremendous food values in the so-called separated milk of today; is that not right? I mean, the separated milk that is left after the cream has been removed.

Mr. ROADHOUSE. Yes. Yes, we are enthusiastic about those elements. We believe they should be used for human food.

Mr. O'HARA. And, as a food value and as a body and bone builder, it has tremendous undeveloped possibilities in the world today, has it not?

Mr. ROADHOUSE. Yes; it is tremendous.

Mr. O'HARA. And you have recognized, that in the years you have spent in the study of this science—and you are not interested in developing milk except as a scientist, is that not right?

Mr. ROADHOUSE. I have no interest, financially.

Mr. O'HARA. Financially or otherwise.

Mr. ROADHOUSE. No.

Mr. O'HARA. Do you feel that the term "skim milk" is neither a fair nor an accurate term to describe this so-called dry milk solids and in addition it carries the handicap of stigma which threatens the future sale and consumption of this product? Is that right?

Mr. ROADHOUSE. As I have given several months of thought to this, I have grown to reach that conclusion, strongly.

Mr. O'HARA. That is all I have, Mr. Chairman.

The CHAIRMAN. Major Bulwinkle.

Mr. BULWINKLE. Doctor, you say this name "skim milk" has hurt the sale of this product?

Mr. ROADHOUSE. I did not say that in my paper, I think. I may have done so. I believe it has hurt it.

Mr. BULWINKLE. How?

Mr. ROADHOUSE. By creating in the minds of people who think of skim milk as being an inferior product the impression that it is not important.

Mr. BULWINKLE. How much of this has been put on the market, Doctor?

Mr. ROADHOUSE. I beg your pardon.

Mr. BULWINKLE. How much of this powdered milk has been put on the market?

Mr. ROADHOUSE. I would say——

Mr. BULWINKLE. I am not talking about what we have exported under lend-lease, but here in the United States?

Mr. ROADHOUSE. Well I would say roughly more than 200,000,000 pounds.

Mr. BULWINKLE. How is that used in the United States?

Mr. ROADHOUSE. It is used in the bread industry more than any other way. It is used in foods, particularly some of our meat products, in their preparation. It is used in candy and sirups to some extent; and some for animal feeding.

Mr. BULWINKLE. But of the term "dry milk," or "skim dry milk," or whatever it has been called, has that stopped the use by any bakers; any biscuit makers; any sirup makers; in the United States?

Mr. ROADHOUSE. I am not prepared to answer your question; but there are people who I understand are to be called upon who will be able to answer that from the direct experience and personal experience.

Mr. BULWINKLE. Well you made the statement, sir, is the reason I am asking you, because you say in your opinion it would hurt the sales.

Mr. ROADHOUSE. That is my opinion.

Mr. BULWINKLE. Yes. I want to know what you base your opinion on.

Mr. ROADHOUSE. On the fact that the people in general react unfavorably to the words "skim milk" when it is mentioned.

Mr. BULWINKLE. How much skim milk powder was made last year, in 1942?

Mr. ROADHOUSE. I believe that question should be answered by an authority which will be on the witness stand later.

Mr. BULWINKLE. Suppose I give you the figures for a few years: In 1937, 244,000,000 pounds were produced in the United States; in 1938, 289,000,000 pounds; in 1939, 268,000,000 pounds; in 1940, 322,000,000 pounds; in 1941, 367,000,000 pounds.

Now, there has been that production and a lot of that increase has been due to the lease-lend, of course; but there has also been an increase in consumption in the United States.

Mr. ROADHOUSE. I am told that 90 percent of all of the milk powder manufactured in the country this present year will be used in lend-lease.

Mr. BULWINKLE. That may be, sir; that may be because we are going to have to supply more and more of this if this war keeps on. I agree with that; but before the war started; before even the lend-lease, from 1916 up to 1939, it increased from a production of 16,463,000 pounds per year to 244,000,000 pounds; a gradual increase during the years.

Now, I have attempted ever since this question came up to go to a store here in Washington and buy some of this milk. Not a single grocerymen out of eight knew anything about it at all; that they had such a product. Do you not think that as to a part of this, if some advertising were to be done by the organizations in manufacturing this product, that they could put it on the market in the United States?



Mr. ROADHOUSE. The manufacturers have tried to do that; but the public are not interested in the product under this name.

Mr. BULWINKLE. Could you show me any advertisement that came out in any of these eastern papers for that dry skim milk?

Mr. ROADHOUSE. I could not. I am not interested in that phase of the subject.

Mr. BULWINKLE. You are bound to be interested, because you are saying, "This hurts; this name that the Bureau of Pure Foods and Drugs has put on it has hurt the sale of it."

Mr. ROADHOUSE. That is my impression, and I still feel that way.

Mr. BULWINKLE. Now, let me ask you this question: How many pounds of milk, estimated, were produced in the United States in the year 1940?

Mr. ROADHOUSE. It is up to 125,000,000,000 or so.

The CHAIRMAN. How much did you say?

Mr. ROADHOUSE. Up to perhaps 125,000,000,000 pounds. I am speaking now from memory. It is very large; the amount is very large.

Mr. BULWINKLE. I might state to you that it is around near 112,000,-000,000 pounds.

Out of this amount, how much was fed to the animals on the farm; what percentage?

Mr. ROADHOUSE. According to the report that was referred to, of the Bureau of Dairy Industry, 82 percent was fed on the farms in 1939.

Mr. BULWINKLE. Have you not got that backward?

Mr. ROADHOUSE. The 82-percent figure I gave?

Mr. BULWINKLE. In 1940 the table shows the milk used on farms, produced and fed to animals, was 3,090,000,000 pounds, or 2.78 percent.

Mr. ROADHOUSE. That refers to full milk fed to calves, I think, and not skim milk.

Mr. BULWINKLE. Wait just a minute. We will put in the calves. Then, the amount consumed in the households as whole milk or butter was 1,535,000,000, or 1.387, was it not? Consumed in households 13,085,000,000 or 11.78 percent; a farm-churned butter, 7,217,000,000, or 6.49 percent, making a total of 21.05 percent used on the farm. Is that not right?

Mr. ROADHOUSE. I do not have those figures before me.

Mr. BULWINKLE. Well, then, let me ask you this, if the farm-churned butter was 1,535,000,000 pounds, or 1.38 percent of the total; wholesale as cream 33,506,000,000 pounds, or 30.17 percent; as milk 46,997,000,000 pounds, or 41.41 percent; retailed as milk and cream, 6,642,000,000, or 5.89 percent, now, there was not 82 percent, appears, as you made the statement just now, wasted on the farm.

Mr. ROADHOUSE. I would refer you to the Bureau of Dairy Industry, Department of Agriculture, for that statement.

Mr. BULWINKLE. All right now, then; that is all for the present.

Mr. O'HARA. Just one question.

The CHAIRMAN. Mr. O'Hara.

Mr. O'HARA. The very fact that Major Bulwinkle pointed out that he cannot buy a package of this dry skim milk, as it is referred to, in the great city of Washington, the Capital of our country, is an indication that the words "skim milk" just do not appeal to the consumers. Is that not right, Professor?

Mr. ROADHOUSE. We are very strongly of the opinion that if the public appreciated this product as used, it would be greatly to their benefit.

Mr. O'HARA. Now, as I understand the commercial use of dry skim milk, from your testimony, has been largely in the manufacture of bread and manufacture of soups; that is substantially correct, Professor?

Mr. ROADHOUSE. Yes, sir; most of it, of course, in breads and bakery products.

Mr. O'HARA. Let me ask you this question: What other food values or uses are there for this defatted or dry skim milk, as it is commonly called?

Mr. ROADHOUSE. I think you have mentioned the most important ones. It might be used in every home, in every mixture of foods that we use in the home to the benefit of the consumers; all bakery products; hot cakes, and all of those things which is better quality, as well as superior food value, if this product were consumed regularly by the people in the home, and that is our hope. It is a tremendous waste at the present time because this is not being done.

Mr. O'HARA. Are you impressed with the fact that this dry skim milk that is used in baking or in sirup making—the bread does not carry on the label that there is dry skim milk used in this bread, neither does the sirup carry that label, as I understand it. Is that correct, or am I wrong about it?

Mr. ROADHOUSE. So far as I know, your statement is entirely correct.

Mr. BULWINKLE. Are you through?

Mr. O'HARA. I am through, Major.

Mr. BULWINKLE. Tell me if these crackers "Town House," with "skim milk" in them as one of the ingredients, has hurt the sale of that product. Do you think that it has hurt the sale of those crackers?

Mr. PRIEST. Are they made from skim milk?

Mr. BULWINKLE. Yes.

Mr. O'HARA. What is the brand name?

Mr. BULWINKLE. "Town House." Look at these candy bars. Do you think that it has hurt the sale of that item?

Mr. ROADHOUSE. I am not familiar with this product.

Mr. BULWINKLE. O'Henry—you have heard of that product?

Mr. ROADHOUSE. Yes.

Mr. BULWINKLE. Because the term "skim milk" is used there on the label, have you heard of it hurting the sale of that product?

Mr. ROADHOUSE. I am not prepared to report on all these products.

The CHAIRMAN. Will you give the name of that?

Mr. BULWINKLE. "Young's Food Preserving Mix."

Mr. WOLVERTON. Just read what it says.

Mr. BULWINKLE. "Cocktail bits; which contains among other ingredients skim milk." Have you heard of it hurting the sale of that product?

Now, we have all seen this. I bought some of this myself. This is "Devil's Food Mix," to make devil's-food cakes. That contains skim milk in the ingredients.

Pancake flour. "Virginia Sweet." Have you heard of it hurting the sale of that because the words "skim milk" were used in it?

"Sunnyfield pancakes." Have you heard of that sale being hurt because the term "skimmed milk" is in it?

Mr. ROADHOUSE. I would say to you that I would be more inclined to use the product which contains it, from my standing, because I have an appreciation of this.

Mr. BULWINKLE. I mean, you have never ceased to use any prepared flour, because the term "skim milk" was on the package?

Mr. ROADHOUSE. I would be very glad if they were using the product.

Mr. BULWINKLE. Have you failed to use it because it contained skim milk?

Mr. ROADHOUSE. I do not look after the culinary department in our household.

Mr. BULWINKLE. Now, Pillsbury's buckwheat flour. That is from your territory.

Mr. O'HARA. What is that?

Mr. BULWINKLE. Pillsbury's buckwheat flour.

Mr. O'HARA. Yes, sir.

Mr. BULWINKLE. Well, have you heard that the sale of this has been hurt because the term "skim milk" is shown as an ingredient?

Mr. O'HARA. You are asking me?

Mr. BULWINKLE. Yes.

Mr. O'HARA. No; of course I have no information on the sale of that product.

Mr. ROADHOUSE. No.

Mr. O'HARA. No; because I never read those labels, neither does the average consumer.

Mr. BULWINKLE. So you do not think that they ought to require a little larger type?

"For capital breakfast D. G. S. pancake flour." The same thing; and "Aunt Jamima's" pancake flour contains the words on the package, "skim milk." Have you heard of it being hurt?

"Aunt Nellie's pancake flour" and so on. I could go on with fig bars, with doughnuts, with bread, and with many other articles, and yet I say to you, sir, when you say it was hurt by the term "skim milk," that you are not quite correct, and you have not thoroughly looked into it.

Mr. ROADHOUSE. I still feel that an investigation would have shown, if it had been possible to make it, that other terms might have been used that would have been more beneficial.

Mr. O'HARA. And more accurate; is that not true?

Mr. ROADHOUSE. More accurate, particularly.

Mr. BULWINKLE. Now, since you speak of accuracy, let us get down to that. Is it accurate? Is it right accurate to say that skim milk is not an accurate expression to use?

Mr. ROADHOUSE. There is nothing in the process of preparing the product that constitutes skimming in the way in which the term was used 40 or 50 years ago on farms in preparation of butter.

Mr. BULWINKLE. Is it not being used the same on farms today?

Mr. ROADHOUSE. No.

Mr. BULWINKLE. When you go to a grocery store today, or when you go to the dairyman, you tell him you want what? Cream; coffee cream; or plain or skim milk?

Mr. ROADHOUSE. He might understand that term; but the correct term would be separated milk.

Mr. BULWINKLE. All right; that is all.

The CHAIRMAN. Mr. Wolverton.

Mr. WOLVERTON. Doctor, I am just a little bit confused. My knowledge of skim milk goes back to boyhood days and I was sort of brought up on it. In our section of the country they did not feed it to the hogs, they fed it to the children. They bought it because it was cheap.

I will admit that it did convey a meaning to the average person that it was something less than the best of milk.

Some of your testimony would indicate to me that maybe it is better than what I had thought it was.

Now, suppose I wanted to buy skim milk today? In those days I would go to the dairyman and step up on his little step and put my kettle through the little window he had and I would ask for skim milk. Can you buy that from a dairy today, and if so, under what name?

Mr. ROADHOUSE. It is available when orders are placed for it regularly and it is sold as skim milk, on the label.

Mr. WOLVERTON. In other words, in purchasing milk from the Chestnut Farms Dairy in Washington, if I wanted skim milk, I would still ask for skim milk?

Mr. ROADHOUSE. That is a product it is now identified by, but one which we feel could be improved upon.

Mr. WOLVERTON. Would it have the words "skim milk" on the bottle?

Mr. ROADHOUSE. It would be on the cap.

Mr. WOLVERTON. It would be on the cap?

Mr. ROADHOUSE. Yes; it is required, legally.

Mr. WOLVERTON. I thought maybe it might be described by grade A, or grade B, or grade C, or some other grade, rather than the term "skim milk."

Mr. ROADHOUSE. Very little skim milk is used and sold in retail and on the delivery wagons you would find none at all.

Mr. WOLVERTON. It did seem to me that it had passed out of existence so far as actual sale is concerned and I thought maybe I had not noticed it, because it was being distributed under grade A, or grade B, or grade C, or some other grade, rather than the name skim milk.

Mr. ROADHOUSE. Well, ordinances and State laws that I know about specify that skim milk must be sold under that label.

Mr. WOLVERTON. Now, the name that you folks are suggesting to be used, "defatted milk solids"; is that the name that you want to use?

Mr. ROADHOUSE. I am not the author of that remark. There are better terms, I believe.

Mr. WOLVERTON. I am inclined to think so myself. That is the reason I am asking you why that particular term was used. It seems to me that it is a rather confusing term in itself, although it may be scientifically correct; but I mean from the standpoint of salesmanship, I do not know whether or not anything is gained by using the term "defatted milk solids" instead of "skim milk," and it occurred to me that possibly the use of a grade instead of a name would not meet the situation from which you were trying to get away. In other words, instead of using the term "dry skim milk," suppose we have "dry milk, grade A," grade B, or grade C, or whatever grade the skim



would come under without using the word "skim" at all. Is not that a better term than "defatted milk solids"?

Mr. ROADHOUSE. As I understand it, this committee has the power to change the proposed wording. I think that what is being requested is that the term "skim milk" not be used, because it does not describe the product correctly.

Mr. WOLVERTON. Well, that is true. I suppose we have the power or it would not be here before this committee to give it consideration. What I am trying to get at is the use of a term that would not be deceptive yet would be in a measure more comprehensive to the average person than the term that has been suggested, namely "defatted milk solids." I am wondering whether you could not describe dry milk in the same way that liquid milk is now described, that we purchase by way of different grades.

Mr. ROADHOUSE. It is described now by the American Dried Milk Institute, according to quality.

Mr. WOLVERTON. I do not mean it that way. I meant from the standpoint of when you go into a store and purchase dried milk, that you would go in on the same basis that you would go into a dairy at the present time and purchase liquid milk, and you would decide whether you wanted grade A, with its price, or grade B, with its price, or grade C, with its price. You assume that the lower the price and the description by the grade, the less fat you probably would get in the milk, or the less cream; but it is descriptive to the person who wants to buy, and he is able to buy intelligently, and yet the name milk or skim milk is not used at all. It is based entirely upon grade. I am just offering the thought to you as one who is interested in the subject as to whether it could be met in that way instead of by the use of a name like "defatted milk solids." That scares me more than skim milk.

Mr. ROADHOUSE. My impression is that that would not be acceptable to the health departments nor the food and drugs authorities.

Mr. WOLVERTON. You say it would not be?

Mr. ROADHOUSE. I doubt if it would.

Mr. WOLVERTON. Why? There is nothing unhealthy about skim milk, is there?

Mr. ROADHOUSE. I think they had better answer that.

Mr. WOLVERTON. What do you say?

Mr. ROADHOUSE. I think it would be better to leave them to answer. I am giving my impression. I think it would be better to leave it to them to answer that question.

Mr. WOLVERTON. Leave it to who?

Mr. ROADHOUSE. To the health departments, and the food and drug officials to answer the question as to what label would be acceptable to them.

Mr. WOLVERTON. In other words, you would not care to express an opinion until you had heard what they thought about it?

Mr. ROADHOUSE. As a customer I would want to know from the label what a package contained, and I think that that is required under the Food and Drugs Act.

Mr. WOLVERTON. That is not the question that I asked you. I asked you if skim milk is unhealthy.

Mr. ROADHOUSE. No, it is not, when properly prepared.

Mr. WOLVERTON. What would be the particular objection of the health departments in the use of grades instead of a term?

Mr. ROADHOUSE. I am not posing as an authority representing either the health departments or the Food and Drugs Department, although I have been connected with two health departments myself. I think that their attitudes might change from time to time.

Mr. WOLVERTON. That is all.

The CHAIRMAN. Mr. Roadhouse, how much skim milk is there produced in the country according to the estimates?

Mr. ROADHOUSE. There would be 87 pounds of separated milk to every 100 pounds of milk produced in this country. The portion which is separated could be calculated from the total number of pounds of milk produced, which has been quoted here today as being between 112,000,000,000 pounds and 125,000,000,000 pounds.

The CHAIRMAN. Well, that would mean at least 95,000,000,000 pounds of separated milk was produced in the country, which would be over 50,000,000 tons, and according to the figures produced here only 183,500,000 pounds of dried milk was produced from milk. Do you think that is substantially true?

Mr. ROADHOUSE. I would have to calculate that to be sure; but it sounds reasonable.

The CHAIRMAN. Why is it not for sale in the retail stores of the country? Are those labels put on there because the manufacturer wants to put them on, or because the law requires it?

Mr. ROADHOUSE. So far as the name of the product is concerned, the law requires that it be labeled.

The CHAIRMAN. That is all.

Mr. HARRIS. Mr. Chairman.

Mr. BULWINKLE. Just a minute, Doctor. You say that that label is required of these manufacturers; you said that just now.

Mr. ROADHOUSE. The name; a name is required under the laws that I am familiar with.

Mr. BULWINKLE. And the label, the whole labeling which constitutes the ingredients in the label as well; is that not right? That is required by law?

Mr. ROADHOUSE. The extent to which the wording on the label is required depends usually on the manufacturer. He submits his label to the Food and Drugs Department, and I understand that the Department decides whether or not he can use that label.

Mr. BULWINKLE. That is, all active ingredients. And, you stated to Mr. Wolverton just now that you personally wanted to know what you were buying, did you not?

Mr. ROADHOUSE. That is correct.

Mr. WOLVERTON. All right, sir.

Mr. HARRIS. Mr. Chairman.

The CHAIRMAN. Mr. Harris.

Mr. HARRIS. May I ask the witness a question, please.

The CHAIRMAN. Yes.

Mr. HARRIS. Mr. Roadhouse, I am a little bit confused by the terms myself. As I understand there exists under the law today the name of dry skim milk; skim milk powder or powdered skim milk. Is that right?

Mr. ROADHOUSE. Yes.

Mr. HARRIS. Now, is that confined as to what is included in that particular kind of milk?

Mr. ROADHOUSE. I stated that State laws and city ordinances defined skim milk under that name.

Mr. HARRIS. Now, under this proposal to change it to dry milk solids or defatted milk solids, would that mean they would have the same minerals and ingredients?

Mr. ROADHOUSE. It would be the same product with a different name; a name which some believe would be preferable.

Mr. HARRIS. Well, is there any difference between dry milk solids and defatted milk solids?

Mr. ROADHOUSE. We have no product on the market now that is labeled defatted milk solids that I know of.

Mr. HARRIS. I know, but this legislation proposes to have a product of that name, does it not?

Mr. ROADHOUSE. Yes.

Mr. HARRIS. In other words, what I am trying to get at is, Is there a powdered milk where the fat has not been removed?

Mr. ROADHOUSE. Yes. It is known as powdered full milk; or whole milk powder.

Mr. HARRIS. Whole milk powder?

Mr. ROADHOUSE. Yes.

Mr. HARRIS. All right. Now, there is a whole milk powder and a skim milk powder; is that right?

Mr. ROADHOUSE. That is correct.

Mr. HARRIS. All right; under the terms of this proposed legislation how would there be a differentiation between the label of dry milk solids or defatted milk solids?

Mr. ROADHOUSE. For purposes of this discussion, I believe both terms mean the same.

Mr. HARRIS. Then a person when he bought powdered milk would not know whether he was getting defatted milk solids or whole milk solids?

Mr. ROADHOUSE. I believe that they would if they were familiar with the buying of these products.

Mr. HARRIS. I am talking about so far as the label is concerned, because this legislation as I understand in reading it changes it and calls it dry milk solids or defatted milk solids. Now, suppose either one of those terms could be used, what would keep the retailer or the manufacturer then from using the term dry milk and leaving out the term "defatted milk solids?"

Mr. ROADHOUSE. If the words "defatted milk solids" were used, it would be understood, I believe.

Mr. HARRIS. Be what?

Mr. ROADHOUSE. Be easily understood.

Mr. HARRIS. Well, if it were not used so and just the term "dry milk solids" used?

Mr. ROADHOUSE. Then the definition would have to determine what dry milk solids meant.

Mr. HARRIS. Then the consumer would not know, in purchasing, so far as the label is concerned, if it were labeled dry milk solids, whether he was getting a defatted solid or whether he was getting a whole milk solid?

Mr. ROADHOUSE. Your statement is probably correct, unless the consumer knew the term under which these products were usually sold.

Mr. HARRIS. Is it not a fact that the consumer, like it has been suggested here, does not go in very frequently to the question with reference to what the label says as to the particular commodity or product? They rely mostly upon the manufacturer and the retailer as to what they are getting and the food they want to purchase. I am talking about it from a practical standpoint.

Mr. ROADHOUSE. I think I cannot answer that accurately.

Mr. HARRIS. That is all.

Mr. O'HARA. Mr. Chairman, I have a couple of questions.

Mr. CHAIRMAN. Mr. O'Hara.

Mr. O'HARA. Actually, Professor, the term "defatted milk solids is not accurate from the purchaser's viewpoint, because you could not take all of the fat out of your so-called skim milk, could you? You couldn't get it all out?

Mr. ROADHOUSE. That is correct.

Mr. O'HARA. And of course the sale, as I understand it, of skim milk, so-called skim milk, is largely in a dried form for cooking or baking purposes?

Mr. ROADHOUSE. Yes.

Mr. O'HARA. And the term "separated milk" would be somewhat more of an answer in the definition of so-called skim milk than defatted milk?

Mr. ROADHOUSE. The term "separated milk" would be correct. The words "skim milk" are not.

Mr. O'HARA. Now, let me just go back a minute for the purpose of clearing up what may be confusion in the record as to Mr. Wolverton's suggestion to formally designating milk as A, B, and C.

Now, that is used, is in common usage and practice in the sale of whole raw milk, is it not?

Mr. ROADHOUSE. Yes.

Mr. O'HARA. We have it in homogenized form; we have it in the form of where it has been purified, and we have it in the raw crude form as it comes from the cows. Are not those the three letters that designate that type of milk?

Mr. ROADHOUSE. Yes.

Mr. O'HARA. So that it would not be very helpful in the problem which faces the great milk industry—which, by the way, I understand is the third largest industry in this country—to try to designate it by an alphabetical designation; is that not true?

Mr. ROADHOUSE. I think it would be somewhat complicated to do so.

Mr. O'HARA. I would like to ask you, Professor, if from all angles if the term "separated milk" would be a more correct definition as to this inaccurate term of defatted milk and derogatory term "skim milk"?

Mr. ROADHOUSE. Personally, I would like to say that I am not interested in any name except one that designates the product as it really is.

Mr. O'HARA. Fairly and accurately?

Mr. ROADHOUSE. Fairly and accurately.

Mr. O'HARA. And is not that the view of the milk industry?

Mr. ROADHOUSE. I believe so.



Mr. O'HARA. Without it having the handicap of a label which not only is detrimental to the producer but also a hindrance and a bar to the consumer?

Mr. ROADHOUSE. That is my belief.

Mr. O'HARA. That is all.

Mr. WOLVERTON. Mr. Chairman.

The CHAIRMAN. Mr. Wolverton.

Mr. WOLVERTON. I just want to take this opportunity to say that I am only expressing my own opinion. It may not in any way be in accord with the views of any one else, but as I have said here this morning, I cannot help but say that I have felt a bit chagrined—putting it mildly—that it is necessary for business men engaged in a great industry to find it necessary to come to a committee of Congress to deal with a matter of name to be applied to their product. It does seem to me that these agencies that are set up by Congress could give a little bit more regard to those whom they are regulating; a little more cooperation in the spirit of the act that we passed, that would enable these problems to be worked out in the Department without the Department's taking such a hard-boiled attitude that it is necessary for the industry to come to Congress to change a name on a milk bottle.

I feel very strongly about it. I think the problems are so big these days that Congress should not have its time taken up with a proceeding such as this, to change a name. I am not condemning those who have introduced the legislation. I am merely speaking in a way of sympathy for them, that it was necessary to present legislation to be considered by this committee of Congress and then afterward by the House, and then by the Senate and then by the President, to change a name. I think honesty and truthfulness in advertising any product, and the spirit of the Food and Drugs Act with which we are all in accord, could be carried out without the necessity of resort to Congress as in this case.

It does seem to me that the Department, if it showed the same spirit of cooperation and compromise that the committees of Congress must show toward conflicting viewpoints, that it would have been possible for some name to have been agreed upon that would have been mutually agreeable, without coming to Congress.

Mr. BULWINKLE. Mr. Chairman.

The CHAIRMAN. Mr. Bulwinkle.

Mr. BULWINKLE. I have a view about this, too, Mr. Wolverton. I have a view, because my mind goes back to when Dr. Wiley protected the American public, the American consumer, against misbranded foods, misbranded drugs, and down to the time until I came on this committee, and we saw back here only about 10 or 12 years ago a book which was published giving the misbranding of foods which the American people were using. You gentlemen who have just come on the committee should read it. You should realize the fight that was going on, because the whole intent of the Pure Food and Drugs Act which was reported out of this committee unanimously was for one purpose and it is for that purpose I am fighting, that the American consumer would know what he is buying. And we provided in the law that the ordinary and customary terms and usages should be used—not something else.

It is too serious a matter, gentlemen, because it means that we are protecting the public, the consumers. I am not here defending the Department or the Bureau, nor any industry; but I am here for one purpose, and that one purpose only, and that is to protect the consuming public in America.

Mr. WOLVERTON. Mr. Chairman, if I might make a short statement.

The CHAIRMAN. Mr. Wolverton.

Mr. WOLVERTON. Mr. Chairman, I do not want to enter into any discussion with my good friend Major Bulwinkle, who has just spoken, because he and I are so thoroughly in accord in a desire to effectuate the purpose of the Pure Food and Drugs Act that we should not even have the appearance of a disagreement.

Mr. BULWINKLE. We are not in disagreement.

Mr. WOLVERTON. The point I was endeavoring to make is this, that I believe with men like Major Bulwinkle, for instance, and Mr. O'Hara, that they might have different viewpoints with respect to this particular legislation. I think they could have sat down together and worked out something that would have been mutually satisfactory, and all I am appealing for in these days, when problems are so big, is that the Department endeavor to do those things by co-operation and mutual agreement which, in my opinion, could be done, and ought to be done without coming to Congress to change the words "skim milk" on a bottle. It just does not appeal to me at all as being necessary.

Mr. BULWINKLE. Just a minute, if you will pardon me for interrupting.

Mr. WOLVERTON. Yes.

Mr. BULWINKLE. We are responsible for it.

Mr. WOLVERTON. Then I regret it, if we are responsible.

Mr. BULWINKLE. We said the common and usual name, so far as practicable.

Mr. WOLVERTON. I would not want to be charged with everything that these Departments are doing under the laws that were passed by this committee.

Mr. BULWINKLE. I would not either, but I am saying that we included the common and usual name.

Mr. SADOWSKI. Mr. Chairman, if I may ask a question.

The CHAIRMAN. Mr. Sadowski.

Mr. SADOWSKI. What is the market price of whole dry milk as compared with this defatted dry milk?

Mr. BULWINKLE. It is not whole dry milk.

Mr. O'HARA. Yes, there is such a product, Major.

Mr. ROADHOUSE. There is a marked difference in price. I am not prepared to give you today's quotations on the two products.

Mr. SADOWSKI. You have some idea as to what the comparative value of the two are?

Mr. ROADHOUSE. Well, the whole milk price is perhaps two-thirds or double the price of milk solids nonfat price in dried form.

Mr. SADOWSKI. It seems to me that during this time of war, the armed forces particularly are in great need of fats and I know every effort is being made to get as much fat as possible, and we are going to have rationing on all sorts of fats so far as the public is concerned. It looks like to me that in view of the fact that skim milk is a good

food, that it has been proven so by our chemists that it is a good food——

Mr. ROADHOUSE. Excellent food and should be utilized.

Mr. SADOWSKI. It seems to me that the Department or this committee should do something to try to help the sale of this food to the public; get it out to the public. I take this position, that if skim milk was something that was unhealthy; something that the public needed protection against, then we might consider it in another light. I do not believe that we can approach the subject of skim milk with that viewpoint, that it is detrimental to the public or the use of it would be detrimental to their health.

Here is a product that is available and one we are going to have more and more of, and with the food shortage as it is facing us today, this skim milk product should be permitted to be sold and we should help the trade in every way possible to make its sale more attractive to the public. That is my viewpoint.

Mr. O'HARA. Mr. Chairman.

The CHAIRMAN. Mr. O'Hara, we have got 11 witnesses here today.

Mr. O'HARA. My name has been used in the very eloquent statements both of Mr. Wolverton and Major Bulwinkle. Now, I think the thing that the dairy industry complains of is similar to this situation, Mr. Chairman. If every lawyer was condemned to carry on his lapel the label "shyster," it would of course be a horrible thing, because that is commonly known as a derogatory term. Now, that is much the same situation as we have here.

Of course, the great legal profession, of which I am proud to be a member, is very proud of the fact that it is not made up of shysters. But, the point is that the dairy industry, Mr. Chairman, does not believe that the words "skim milk" is either fair to that industry or descriptive, nor is it accurate.

Now, I used the illustration about lawyers because I know that Major Bulwinkle and Mr. Wolverton are both fine lawyers of high reputation and integrity. They would not like to be termed something that is derogatory and have to wear a label to that effect.

Mr. BULWINKLE. If I were a shyster, I would be labeled; I might not be, to my face, but it would be known.

Mr. BECKWORTH. Mr. Chairman.

The CHAIRMAN. Mr. Beckworth.

Mr. BECKWORTH. Mr. Chairman, I want to ask a question, please. There seems to be considerable or at least some controversy about the phrase "dry milk solids" in line 5, page 1, of the bill. We have an alternative term there. What effect on the legislation do you think it would have to delete the phrase "dry milk solids" and just use "defatted milk solids"? Would that be preferable?

Mr. ROADHOUSE. I would not think so. It would be correct, but it would be an unlucky phrase, and I think that would be objectionable.

Mr. O'HARA. Professor, is it not true that the average person does not know what defatted milk is except those engaged in dairying?

Mr. ROADHOUSE. I never have seen it defined.

Mr. O'HARA. When I first heard the word "butterfat," I wondered what it meant. It means that the cream is taken for the purpose of making butter.

Mr. ROADHOUSE. Yes.



Mr. O'HARA. And the average person does not know a thing about it; does not know that there is fat in milk, as a matter of fact; is that not true, Professor?

Mr. ROADHOUSE. I think that is true.

Mr. O'HARA. Separated milk does give to the average person the thought that it is separated and that the cream has been taken off.

Mr. BULWINKLE. Separated from what?

Mr. O'HARA. Separated from the milk.

Mr. BULWINKLE. It might be that other ingredients were separated from the milk.

Mr. HARRIS. They might separate something else.

Mr. BULWINKLE. They might separate the calcium, or they might separate this, that, or the other.

Mr. O'HARA. That is the common, ordinary thought of separated milk. Your same argument could be applied to the term "skim."

Mr. BULWINKLE. Separated does not say separated from what; unless you put in milk solids separated from all fats.

Mr. CHAPMAN. Mr. Chairman, that is what we are trying to hold the law to, Mr. O'Hara, the common and usual name.

Mr. O'HARA. You agree, Mr. Chapman, that the word "skim" is not accurate, in the true sense of the word, except as compared to the old idea of skimmed milk.

Mr. CHAPMAN. I would say——

Mr. O'HARA. I mean it is not fair.

Mr. CHAPMAN. I know of no one, and I do not believe that anyone in Congress could be found who would seriously consider offering an amendment to repeal that section of the law which provides that the common and usual name shall be used. Nobody proposes that.

The CHAIRMAN. Of course, that says so far as practicable.

Mr. O'HARA. Yes.

Mr. CHAPMAN. So far as practicable.

Mr. CHAIRMAN. Professor Roadhouse says that the term suggested by Mr. Beckworth, that the "defatted milk solids" be made exclusive and the "dry milk solids" be eliminated from the language of the bill would be correct. Did I understand you to say that?

Mr. ROADHOUSE. It would not be incorrect.

Mr. CHAPMAN. Professor, would that be more correct that the term "dry milk solids" to define what is actually sold as skim milk solids?

Mr. ROADHOUSE. That might be so construed, but words mean different things to different people.

Mr. CHAPMAN. Now when liquid milk is sold that is labeled "milk," is it not?

Mr. ROADHOUSE. Usually labeled "milk."

Mr. CHAPMAN. Is the term "whole milk" or just "milk" usually on the label?

Mr. ROADHOUSE. "Milk" is usually on the label.

Mr. CHAPMAN. When whole milk is sold the usual label on the cap of the bottle is "milk," is it not?

Mr. ROADHOUSE. I believe so.

Mr. CHAPMAN. Yes, sir. Well, when liquid skim milk is sold, as I saw some of it in a grocery yesterday, in Washington, the cap bears the label "skim milk." That is correct, is it not?

Mr. ROADHOUSE. Yes, sir.



Mr. CHAPMAN. Well now, if you favor permitting the use of the descriptive language "dry milk solids" on dried skim milk, would you permit, or would you also be in favor of labeling liquid skim milk as "milk"?

Mr. ROADHOUSE. You are asking me to answer something that I am not author of. I believe that what we all would consider right is to have the label understood and a label or a name must be defined. I am personally interested in seeing human beings consume this product that is now not being well utilized, because of my feeling of the importance to their good health and well-being and it is only because of that that I am willing to appear before this committee today.

Mr. CHAPMAN. Now, Professor, there are these products on the market, are they not? First, I will say, dried whole milk. That is correct, is it not?

Mr. ROADHOUSE. That is correct.

Mr. CHAPMAN. And dried skim milk.

Mr. ROADHOUSE. That is correct.

Mr. CHAPMAN. There is evaporated whole milk and evaporated skim milk; is that correct?

Mr. ROADHOUSE. There is no evaporated skim milk sold in small containers, so far as I know.

Mr. CHAPMAN. In large containers?

Mr. ROADHOUSE. There is milk that is sold in bulk.

Mr. CHAPMAN. Yes; in bulk.

Then, there is whole milk which is sold as milk and labeled milk, and there is skim milk.

Now, there are six products on the market. That is correct, is it not?

Mr. ROADHOUSE. Yes.

Mr. CHAPMAN. Then, I will follow by asking you this: If we are going to permit, as the language in this bill would, dry skim milk to be labeled as "dried milk solids" just the same as dry whole milk would be labeled, would you also favor permitting evaporated skim milk to be labeled "evaporated milk", and would you be in favor of permitting liquid skim milk to be labeled as "milk"?

Mr. ROADHOUSE. I would favor the label making it clear as to products contained in the package.

Mr. CHAPMAN. Of all of them?

Mr. ROADHOUSE. Yes.

Mr. CHAPMAN. Including dried skim milk?

Mr. ROADHOUSE. Yes.

Mr. CHAPMAN. According to that, following that—

Mr. ROADHOUSE (interposing). The point we are raising here is that the term now used is incorrect for skim milk.

Mr. CHAPMAN. What term are you asking for, Professor? Do you agree that "dried milk solids" would also be incorrect and misleading?

Mr. ROADHOUSE. It would need to be defined.

Mr. CHAPMAN. That would be a misleading label?

Mr. ROADHOUSE. It would not tell the entire facts unless some statement like the one proposed of specifying the fat contents were also included.

Mr. CHAPMAN. We agree, to begin with, that skim milk is a valuable food, either powdered or in liquid form; evaporated milk is a valuable food also, is it not?

Mr. ROADHOUSE. Yes.

Mr. CHAPMAN. I have a letter here that I would like, Mr. Chairman, to have included in the record—a letter dated June 20, 1942, written by Frank E. Rice, Ph. D., executive secretary, Evaporated Milk Association, 307 North Michigan Avenue, Chicago.

Are we going to resume this afternoon, Mr. Chairman, or are you going to resume at some other time? Do you want to adjourn now?

The CHAIRMAN. I thought that we would reconvene at 2 o'clock.

Mr. CHAPMAN. Do you want to adjourn now and resume then, or shall I go ahead?

The CHAIRMAN. We would like to dispose of this witness if we could, because we have 10 other witnesses.

Mr. BECKWORTH. Mr. Chairman, I want to hear this, because it is very important. Would there be any chance to run until, say, 12 o'clock and then come back at some later time?

The CHAIRMAN. I thought we would proceed until 12 o'clock and then come back at 2.

Mr. BECKWORTH. I am interested in it and want to hear it.

Mr. CHAPMAN. I want this letter to go into the record.

The CHAIRMAN. That letter may be received.

(The letter is as follows:)

CHICAGO, ILL., June 20, 1942.

The Honorable CLARENCE F. LEA,

*Chairman, Interstate and Foreign Commerce Committee,*

*House of Representatives, Washington, D. C.*

DEAR SIR: H. R. 7002, relating to dry skim milk, has been referred to your Committee on Interstate and Foreign Commerce. Although we had assumed that no serious consideration would be given to a bill of this kind, we heard the other day that hearings had been held by your committee.

May we record at this point that, if your committee and the Congress finally consider it to be in the public interest to establish by statute the term "dry milk solids" as the proper name for dry skim milk, then it would most certainly be in the public interest also to permit the use of the term "evaporated milk solids" in place of "evaporated skim milk."

Every manufacturer of evaporated milk is in position to manufacture evaporated skim milk where he is now putting whole milk in cans. If it is desirable that this product be promoted to the public, I am sure our manufacturers would want to engage in that business inasmuch as there is a nice profit in it.

May we urge, therefore, that if your committee is giving serious consideration to H. R. 7002, that the words "or evaporated" be inserted after the word "dry," in line 5, and that the following two sentences be deleted:

"It contains not over 5 per centum moisture. The fat content is not over 1½ per centum unless otherwise indicated."

It would be helpful if you would be so good as to advise us as to the status of H. R. 7002 and your views as to our suggestion.

Yours truly,

FRANK E. RICE, Ph. D.,

*Executive Secretary, Evaporated Milk Association.*

The CHAIRMAN. Now, Professor, if we pass this bill and authorize the change in the name of "dry skim milk" to "dried milk solids," then do you think it would follow that we should permit the labeling of dried evaporated milk as "evaporated milk" and of liquid skim milk as "milk"?

Mr. ROADHOUSE. I believe the public would not want that evaporated milk to be so labeled.

Mr. CHAPMAN. Would that be just as honest a labeling of evaporated skim milk and liquid skim milk as this bill proposes for dry skim milk?

Mr. ROADHOUSE. I would think there is a close relation between the two products.

Mr. CHAPMAN. Thank you. Now, as to the value of these products, we do not have any difference of opinion that skim milk, whether liquid or dried, is a valuable food product; but now, in your laudatory statements concerning the virtues and great nutritional value of dry skim milk, do you mean to contend that it is a complete equivalent or adequate substitute for whole milk or do you recommend it merely as supplemental in the diet to whole milk?

Mr. ROADHOUSE. I do not believe it should be a substitute for whole milk. It should be a product that is properly labeled and stands on its own feet and is used for the purposes for which it is excellent food.

Mr. CHAPMAN. It should not then be labeled so you could not differentiate from the label between the dried skim milk and dried whole milk; is that correct?

Mr. ROADHOUSE. I think that is correct.

Mr. SADOWSKI. Mr. Chapman, would it not be preferable instead of saying "dry milk solids" to use the word "defatted" to describe or distinguish skim milk from the other milk?

Mr. CHAPMAN. Mr. Sadowski asks me if I am not distinguishing—you are asking me a question? Will you ask that of the witness?

Mr. SADOWSKI. Very well.

Mr. CHAPMAN. Do you approve of the regulation of the New York Health Commission which was released December 21, 1941, which states:

BOARD OF HEALTH RECOMMENDS SKIMMED MILK AS SUPPLEMENTAL AND NOT A SUBSTITUTE FOR WHOLE MILK

New York City's Health Commissioner, Dr. John L. Rice, was joined in a statement yesterday (Saturday) by Prof. Henry C. Sherman, of Columbia University, one of the Nation's outstanding scientists in the field of nutrition and by Dr. Haven Emerson, member of the board of health and recognized authority in the field of public health, calling attention to the value of skimmed milk as a supplement in the diet of whole milk.

They make this statement:

Dr. Emerson made the following statement: "Skimmed milk is a good food. It should not be used in place of whole milk in the diet of infants, young children, or invalids. Its value is in its protein or 'meaty' contents. It lacks butterfat and valuable protective and growth-promoting vitamins.

"It has long been used by capable and thrifty housewives for puddings, soups, sauces, desserts, and in the making of breads.

"By appropriate regulations the sanitary quality of skimmed milk can be kept as high as that of approved pasteurized whole milk. By other regulations its fraudulent substitution for whole milk can be prevented. Skimmed milk should not cost the consumer in New York City more than 6 cents a quart."

Is that in accordance with your views?

Mr. ROADHOUSE. That is not wholly correct.

Mr. CHAPMAN. Will you state your position on that?

Mr. ROADHOUSE. The vitamin A is the one which is abundant in butterfat. Skim milk solids contain some butterfat and, therefore, contains some vitamin A. There are other growth promoting vitamins

besides vitamin A, all of which are present in the skim milk portion or solid nonfat portion of the milk.

Mr. CHAPMAN. You still would not say, would you, Professor, that the presence of the vitamin A in the skim milk would be sufficient cause to induce us to have it labeled the same as if it were whole milk?

Mr. ROADHOUSE. I think that is correct.

Mr. CHAPMAN. Would not. Now, as to that vitamin A, may I ask another question? It is true, is it not, that at the present time manufacturers of oleomargarine are adding vitamin A to their oleomargarine in order to increase its nutritional value and that the addition amounts to approximately 9,000 U. S. P. units. Is that correct?

Mr. ROADHOUSE. I cannot answer that from my personal knowledge. I am told that it contains some vitamin A.

Mr. CHAPMAN. Approximately 9,000 U. S. P. vitamin A units. What is the vitamin content of butter?

Mr. ROADHOUSE. It is higher than that.

Mr. CHAPMAN. It ranges, does it not, according to the season, from about 4,000 to 20,000 units; is that correct?

Mr. ROADHOUSE. It varies at different seasons, depending upon what the animals consume.

Mr. CHAPMAN. Vitamin A then, in good marketable butter, would range, according to the season, from 4,000 to 20,000 units?

Mr. ROADHOUSE. Those limits are reasonable.

Mr. CHAPMAN. And the oleomargarine manufacturer, by adding 9,000 U. S. P. units of vitamin A to oleomargarine, would make oleomargarine, would he not, of greater nutritional value, say in winter-time, when the vitamin A content of butter is low, than that of butter?

Mr. ROADHOUSE. I could not testify to that point. I do not have the figures before me.

Mr. CHAPMAN. If that is true, then I will ask you this: Would you favor labeling oleomargarine "butter"?

Mr. ROADHOUSE. I would not.

Mr. CHAPMAN. Then, will you differentiate, or state the reason why, with oleomargarine containing 9,000 vitamin A units and having a greater nutritional value than butter at certain seasons of the year, it should not be labeled butter, but that dry skim milk should be labeled just the same as dry whole milk?

Mr. ROADHOUSE. I do not believe anyone is trying to live on vitamins. Oleomargarine is made from vegetable oils and animals' fats, having a different melting point than milk fat. Milk fat is composed of 9 or 11 different fatty acids, all of which have a different melting point, and different solidifying point, and we believe, and experiments have shown, that milk fat is superior to other fats from the standpoint of nutrition.

Mr. CHAPMAN. Well, the effect of this bill if it became a law would be to permit labeling of the dried milk without those properties you have described the same as if it contained them. Is that not correct?

Professor, is it your opinion that the proper and most effective way for American industry to promote sales is by means of legislation and by seeking exceptions for specified products from the operation of the law?



Dr. ROADHOUSE. At one time I had the point of view of many, or at least some health officers and others who were interested in the labeling of dairy products. In this case I have changed my mind because of the great value it would be to human beings from a health and nutritional standpoint to increase their consumption of these various very valuable proteins, carbohydrates, and minerals of solids not fat of milk. It would be a tremendous saving, economically, in food value if they were used by people generally, and I favor anything that will bring that about.

Mr. CHAIRMAN. Professor, from your vast experience and wide reading, have you ever witnessed occasions in which a product that was even inferior was promoted until its sales were greatly increased by advertising and by the waging of an educational campaign?

Mr. ROADHOUSE. I think I have answered that.

Mr. CHAPMAN. We have all witnessed that. Then, if that has been done successfully with things that admittedly were inferior commodities, don't you believe that a proper educational and advertising campaign could popularize skim milk or dried skim milk, so that it would be available on the shelves of the stores and would be purchased by American housewives in greater number than those who purchase it now?

Mr. ROADHOUSE. I doubt it, unless the name is made descriptive of the product.

Mr. CHAPMAN. I have here a small pamphlet which I would like to have go into the record. It is entitled "Dry Skim Milk," and was issued by the Bureau of Home Economics, United States Department of Agriculture, in July 1938. These recipes published by the government to popularize the use of dried skim milk follow:

#### DRY SKIM MILK

(Issued by Bureau of Home Economics, U. S. Department of Agriculture, Washington, D. C., July 1938)

Dry skim milk has practically the same food value as fresh skim milk. It provides the protein, calcium and other minerals, milk sugar, and vitamins B and G of milk. Only the fat, vitamin A, and water are removed from whole milk in the preparation of dry skim milk.

The diets of many families contain less milk than is needed for normal growth and health. Using dry skim milk is a good way of improving the diet at low cost.

#### *Keeping Quality and Storage*

If properly stored, dry skim milk can be kept without refrigeration for several weeks. If exposed to air, it absorbs moisture, becomes lumpy, and the flavor changes. It should be kept in a tightly covered container. If it is purchased in a specially prepared bag, the bag should be closed after each use. Storage in a cool place, preferably a refrigerator, lengthens the keeping time.

#### *Uses*

Large enough amounts of dry skim milk may be used in preparing soups, cereals, bread, and many other foods so that they are richer in milk solids than those made with fluid milk.

In making many products dry skim milk can be used in the dry form, as it comes from the package. This is a convenient method of adding powdered milk in preparing bread, muffins, biscuits, puddings, and cereals. In such recipes, the powder is mixed with the other dry ingredients and water is used as the liquid.

For use in beverages, soups, gravies, sauces, and such dishes as scrambled eggs and custards, dry skim milk should be made into fluid milk by mixing it with water. The fluid milk is used exactly as fresh skim milk.

Three and one-half ounces (seven-eighths cup) of dry skim milk made into a liquid with  $3\frac{3}{4}$  cups of water equals about a quart of fresh skim milk in nutritive value. For convenient household measurement, use 1 cup of powdered milk for each quart of water; or one-fourth cup of milk powder for a cup of water. To increase the food value, increase the proportion of dry skim milk to water; or add the powdered milk to fluid fresh milk.

To prepare fluid milk with the powder, measure cold or warm water into a bowl, sprinkle the powder over the surface, and beat until the powder dissolves. Or, the milk powder and water may be shaken in a tightly closed glass jar or bottle. Do not use boiling water. The powder is likely to lump.

Milk made by either the spray or the roller process may be used in the recipes contained in this folder. Beverages made from roller-process milk should be mixed just before serving.

The liquid milk sours as does fresh milk, and may be used in the same way as other sour milk or buttermilk. Cottage cheese can be made from the clabbered sour milk.

By following the general directions a homemaker can use dry skim milk just as fresh milk in her recipes. When a large amount of dry milk is used to increase the nutritive value of a product such as bread it is sometimes necessary to modify the recipe slightly.

#### IN SOUPS AND CHOWDERS

##### *Quick vegetable soup*

- |                         |   |
|-------------------------|---|
| 1 quart milk made of—   | 2 cups grated raw vegetables (potatoes, |
| 1 cup dry skim milk and | turnips, or carrots) or canned corn     |
| 1 quart water           | 1 tablespoon finely chopped onion       |
| 3 tablespoons fat       | $1\frac{3}{4}$ teaspoons salt           |
| 1 tablespoon flour      | $\frac{3}{4}$ teaspoon celery salt      |

Melt the fat, mix well with the flour, and add the milk, stirring constantly until the mixture comes to the boil. Then add the vegetables and cook 10 minutes. Add seasonings.

##### *Split pea soup*

Soak 2 cups of split peas overnight in 2 quarts of cold water. In the morning add an onion, sliced. Cover; cook slowly for  $1\frac{1}{2}$  hours, or until the peas are soft; then mash. Mix thoroughly 2 tablespoons of flour with one-half cup of dry skim milk, and stir in 2 cups of cold water. Stir into the hot peas with 2 tablespoons of fat and salt and pepper to taste. Cook the soup a few minutes longer.

##### *Fish chowder*

- |  |                                   |
|--|-----------------------------------|
| 1 pint milk made of—                               | 1 cup diced carrots               |
| $\frac{1}{2}$ cup dry skim milk and                | 1 pint water                      |
| 1 pint water                                       | $\frac{1}{2}$ cup diced salt pork |
| $1\frac{1}{2}$ pounds fresh haddock or other fish, | 2 tablespoons chopped onion       |
| or 1 pound can salmon                              | 2 tablespoons flour               |
| 2 cups diced potatoes                              | Salt and pepper                   |

Cut the fish into small pieces and remove the bones and skin. If using raw fish, cook it and the potatoes and carrots in the water for 15 minutes. Fry the salt pork until crisp, remove from the fat, cook the onion in the fat for a few minutes, add the flour, stir until well-blended, and add the milk. Add this mixture to the cooked vegetables and the cooked fish or canned salmon. Simmer 10 minutes longer, stirring frequently. Add the salt pork and season to taste with salt and pepper.

##### *Corn chowder*

In place of the fish in fish chowder, add a No. 2 can of corn to the cooked vegetables.

##### *Whole-wheat chowder*

In place of the fish and potatoes in fish chowder, increase the carrots to 2 cups and add 2 cups of cooked whole wheat.

*Rolled-oats chowder*

Fry one-half cup diced salt pork until crisp; remove the pork and cook one-half cup of chopped onion in the fat until well browned. Add 2 quarts of water and heat. Mix  $1\frac{1}{2}$  cups of dry skim milk and 2 cups of rolled oats and stir slowly into the hot mixture. Cook for 15 minutes. Add 2 cups of finely shredded carrots and cook for a few minutes. Add salt pork and serve.

## IN CREAMED AND SCALLOPED DISHES

For sauces and gravies dry skim milk should be made into fluid milk by mixing it with cold or warm water as directed on page 2. As much as one-half cup of dry skim milk can be used to 1 cup of water, for making gravies and creamed and scalloped dishes. Typical uses include creamed eggs, left-over meat or fish, creamed potatoes, onions, and other vegetables.

*White sauce*

For white sauce for creamed meat or scalloped vegetables use 2 tablespoons of fat, 2 tablespoons of flour, one-fourth to one-half cup of dry skim milk to each cup of water, and one-fourth teaspoon of salt. Melt the fat, blend with the flour, and add the milk and salt. Heat and stir constantly until thickened, then cook over water for 10 minutes longer.

*Creamed or scalloped meat or fish*

Make white sauce according to the recipe above, and stir in an equal quantity of chopped cooked meat or fish, and cook until hot all through. Serve over hot cooked macaroni, spaghetti, noodles, rice, or hot biscuits.

*Scalloped vegetables*

Use left-over cooked vegetables such as onions, parsnips, or cabbage. In a greased baking dish, place alternate layers of vegetables and medium white sauce. Cover the top with buttered crumbs and bake in a moderate oven ( $325^{\circ}$  to  $375^{\circ}$  F.) for 20 minutes, or until the crumbs are golden brown.

*Five-minute cabbage*

3 cups milk made of—	3 tablespoons flour
1½ cups dry skim milk and	3 tablespoons melted fat
3 cups water	Salt and pepper to season
1½ quarts shredded cabbage	

Heat the milk and cook the cabbage in it for about 2 minutes. Add the blended flour and fat and the seasonings. Cook rapidly for 3 or 4 minutes, and stir constantly. The cabbage retains its crispness and is delicate in flavor and color.

*Scalloped potatoes*

Wash potatoes, cook in boiling salted water until half done, skin, and slice. Grease a shallow baking dish, place in it a layer of potatoes, sprinkle with some flour and salt, and dot with fat. Continue until all the potatoes are used. Cover the potatoes with hot milk, using one-half cup of dry skim milk to each cup of water. Bake in a slow oven for 1 hour, or until the potatoes are brown on top and soft throughout. If they become dry, add more milk. Serve in the baking dish.

## IN CEREAL, HOT AND COLD

*Hot breakfast cereal*

The nutritive value of cereals is increased by cooking them with dry skim milk. Mix the dry skim milk and cereal thoroughly, using from one-half to 1 cup of dry skim milk to each cup of cereal.

Corn meal or other finely ground cereals mixed with the dry skim milk must be added slowly to a small quantity of cold water to prevent lumping.

Rolled oats, cracked wheat, and other coarse cereals are not so likely to lump. After being mixed with the dry skim milk they can be added directly to the boiling water.

Rice, hominy grits, and whole wheat should be added to the hot liquid milk. The cooking time for whole-wheat and other whole or coarse cereals is shortened by soaking them first in water overnight.

### *Creamy Rice Pudding*

1 quart of milk made of—	$\frac{1}{3}$ cup sugar
1 cup dry skim milk and	$\frac{1}{2}$ teaspoon salt
1 quart cold water	$\frac{1}{2}$ teaspoon nutmeg or cinnamon
3 tablespoons uncooked rice	

Add the well-washed rice and remaining ingredients to the liquid milk. Pour into a baking dish and bake in a slow oven ( $250^{\circ}$  to  $300^{\circ}$  F.) for 3 to  $3\frac{1}{2}$  hours. Stir occasionally while baking. If desired, raisins may be added during the last half hour of baking.

Or the pudding may be cooked over hot water. Use 6 tablespoons of rice and the same quantities of other ingredients.

### *Bread pudding*

2 cups milk made of—	2 tablespoons fat
1 cup dry skim milk and	1 egg, beaten
2 cups water	$\frac{1}{2}$ cup seedless raisins
1 cup soft bread crumbs	1 teaspoon ground cinnamon and other spices
$\frac{1}{4}$ cup brown sugar or molasses	1 teaspoon vanilla
$\frac{1}{4}$ teaspoon salt	

Prepare the bread crumbs by pulling dry bread into small pieces. Heat the milk, bread crumbs, sugar, salt, and fat over hot water. Pour some of the hot mixture into the beaten egg. Combine all the other ingredients, pour into a greased baking dish, set in a pan of hot water, and bake in a moderate oven ( $350^{\circ}$  F.) for about 1 hour, or until the pudding is firm in the center. When the pudding has partially set, stir well so the raisins will be all through the pudding rather than in a layer at the bottom. Serve hot or cold.

### *Indian pudding*

Cook together one-third cup of corn meal, 1 teaspoon of salt, and 1 quart of milk (made from 1 to 2 cups of dry skim milk and 1 quart of water) for 20 minutes. Add one-half cup molasses and three-fourths teaspoon ginger. Pour into a greased baking dish and bake in a very moderate oven ( $300^{\circ}$  F) for 2 hours.

### IN YEAST BREAD, ROLLS, AND CAKE

#### *White bread*

$1\frac{1}{2}$ cups dry skim milk	4 teaspoons salt
$2\frac{3}{4}$ cups hot water	2 tablespoons fat
2 cakes yeast	9 cups sifted flour
2 tablespoons sugar	

Measure one-half cup of the hot water and when lukewarm ( $100^{\circ}$  F.) add to the yeast. To the remaining hot water add the sugar, salt, and fat. When lukewarm, add the softened yeast and the dry skim milk sifted with the flour. Mix to a dough, which will be soft and sticky, and knead with the hands in the bowl. Rub a little fat over the top of the dough, and cover. Allow to rise in a warm place ( $80^{\circ}$  F.) until it has nearly doubled in bulk (about  $2\frac{1}{2}$  hours). Cut and mold the dough into loaves, place in greased pans, rub fat lightly on the tops of the loaves, and cover. Place in a warm place ( $90^{\circ}$  to  $95^{\circ}$ ) and let rise until they have nearly doubled in bulk (about 45 to 50 minutes). Bake pound loaves for 40 minutes in a hot oven ( $400^{\circ}$  to  $425^{\circ}$ ). These ingredients make 3 pounds of bread.

#### *Whole-wheat bread*

1 cup dry skim milk	1 tablespoon salt
$2\frac{1}{2}$ cups hot water	3 tablespoons fat
1 to 2 cakes yeast	7 cups sifted hard whole-wheat flour or
4 tablespoons brown sugar	$7\frac{1}{2}$ cups sifted soft whole-wheat flour



Mix as for white bread, and bake pound loaves for 50 to 60 minutes in a moderately hot oven (385° F.) for 15 minutes, then lower the heat to moderate (350°) to finish.

To increase the skim-milk solids in this recipe, increase the above proportions of dry skim milk and of liquid. A satisfactory loaf can be made with 1¾ cups of dry skim milk and 3 cups of liquid, or even as much as 2½ cups of dry skim milk and 3¾ cups of liquid.

#### *Rolls*

The dough for white bread and whole-wheat bread may be baked as rolls. If richer rolls are desired, increase the fat to 5 tablespoons.

#### *Spice cake*

½ cup dry skim milk	1 cup sugar
3 cups sifted flour	1 egg, beaten
4 teaspoons baking powder	1 cup water
½ teaspoon salt	¼ cup fat, melted
1½ teaspoons mixed ground spice	1 teaspoon vanilla

Sift the dry ingredients together three times. Combine the beaten egg, water, melted fat, and vanilla. Add the dry ingredients all at once, stir until the mixture is smooth. Pour into a greased pan, and for a thin loaf bake in a moderate oven (365° F.) for 25 minutes. As cupcakes, bake in a moderately hot oven (375°) for 20 minutes.

#### IN QUICK BREADS AND COOKIES

For biscuits, muffins, griddlecakes, corn bread, cake, and cookies, sift 3 to 4 tablespoons of dry skim milk with each cup of flour or meal. Use water for the liquid. It is desirable to increase the fat slightly in the recipe when skim milk replaces whole milk.

To vary the flavor and food value of muffins, 1 cup of fine rolled oats or corn meal may be substituted for 1 cup of the white flour called for in a recipe. Or whole-wheat flour may be substituted directly for the white.

#### *Spoon bread*

1 cup dry skim milk	2 cups boiling water
1 cup corn meal	2 eggs, beaten
1½ teaspoons salt	3 tablespoons fat, melted
1 cup cold water	

Mix the meal, dry skim milk, and salt thoroughly. Combine with 1 cup of cold water and stir until smooth. Add to 2 cups of boiling water, stirring constantly until the mixture thickens. Blend a small amount with the beaten eggs. Combine all the ingredients. Pour into a well-greased hot pan or baking dish and bake for 45 to 50 minutes in a hot oven (400° F.). Serve from the pan in which it was baked.

#### *Drop biscuits*

4½ tablespoons dry skim milk	4 tablespoons fat
2 cups sifted flour	Water to make a very soft dough
¾ teaspoon salt	(about ¾ cup)
3 teaspoons baking powder	

Sift the flour, dry skim milk, salt, and baking powder together. Cut in the fat. Add the water slowly, stirring from the center until a soft dough is formed. Drop from a spoon onto a greased baking sheet, and bake in a hot oven (450° F.) for about 15 minutes.

If using sour milk, reduce the baking powder to 2 teaspoons and add one-third teaspoon of soda to the dry ingredients.

#### *Molasses cookies*

½ cup dry skim milk	½ teaspoon salt
2¾ cups sifted flour	¾ cup molasses
4 teaspoons baking powder	½ cup fat
½ teaspoon soda	½ cup sugar
½ teaspoon cinnamon	½ cup water
½ teaspoon ginger	1 egg, beaten

Sift together the dry ingredients except the sugar. Heat the molasses and fat until the fat is just melted, add the sugar, water, and beaten egg. Add the mixture gradually to the dry ingredients. Drop by spoonfuls onto a greased baking sheet, and bake in a moderate oven (350° F.) about 15 minutes. Remove from the pan at once.

#### IN DESSERTS AND BEVERAGES

Cornstarch pudding, tapioca pudding, soft or baked custard, creamy rice pudding, and Indian pudding are only a few of the desserts that can be made with dry skim milk.

##### *Soft custard*

3 cups milk made of—	1/8 teaspoon salt
1 1/2 cups dry skim milk and	2 eggs, beaten
3 cups water	1/2 teaspoon vanilla
1/3 to 1/2 cup sugar	Cinnamon or nutmeg

Heat the milk in the top of a double boiler. Mix the sugar, salt, and beaten eggs. Add some of the hot milk slowly to the beaten egg and sugar mixture, pour back into the double boiler, surround with hot, not boiling water, and stir constantly until the custard coats the spoon. Remove from the hot water at once, cool, and add the vanilla and spice.

##### *Cocoa or coconut custard*

Mix one-fourth cup of cocoa with the sugar or add one-half cup of shredded coconut to the hot custard.

##### *Cocoa*

1 1/2 cups dry skim milk	Salt
5 tablespoons cocoa	5 cups water
5 tablespoons sugar	

Mix the cocoa, sugar, salt, and 1 cup of water, and boil for a few minutes. Add the other 4 cups of water and sprinkle the dry milk over to top. Beat until smooth and heat in a double boiler or over low heat to the serving temperature. Cinnamon, nutmeg, or vanilla may be added. The cocoa may be chilled and served cold.

##### *Milk shakes*

Place 1 cup of water in a bowl, add 1 teaspoon of sugar, a few grains of salt, and one-fourth teaspoon of flavoring. Sprinkle one-fourth cup of dry milk over the surface and beat until smooth. Or, the ingredients may be placed in a glass jar or milk bottle and shaken.

For fruit milk shakes, add 2 teaspoons of sugar, a few grains of salt, and 1 cup of water to the pulp of a raw banana, or one-fourth cup of the combined pulp and juice of cooked dried apricots or prunes with a little lemon juice if desired. Sprinkle one-fourth cup of dry skim milk powder over the top and beat until smooth. Serve cold. This makes a thick, frothy milk shake.

##### *Eggnog*

Combine a well-beaten egg, 2 teaspoons of sugar, 1 cup of water, one-fourth teaspoon of flavoring, and a few grains of cinnamon or nutmeg if desired. Sprinkle one-fourth cup dry skim milk over the mixture. Beat until smooth.

##### *Milk with coffee*

Heat 1 pint of liquid milk and mix with 1 pint of hot coffee, or sprinkle one-half to 1 cup dry skim milk over 1 quart of cold or warm coffee and beat until smooth. Serve cold or hot.

I have here a little book published by the United States Department of Agriculture, miscellaneous publication No. 408, entitled "School Lunches Using Farm Surpluses." There are 33 receipts for nutritious, wholesome, and palatable dishes, all of which contain milk, and in every one of those recipes, put out by the Government in an effort to assist in proving that it is good food for the school

children, and also as an assistance to the manufacturers of dried milk, the recipes are given in variation so that one may use milk, or evaporated milk, or dried skim milk, either of them.

I will give a list of these recipes in miscellaneous publication No. 408 to the reporter, as follows:

Recipes calling for milk suggest the use of fresh fluid, canned evaporated, or dry skim milk. The dry skim milk should be combined according to the directions given in the recipe. In some cases it is both satisfactory and convenient to add the dry milk to other dry ingredients and sift to blend them (the flour will have been sifted once before being measured). In other recipes it is necessary to convert the dry skim milk into fluid milk. An easy method of mixing is to put the measure of water (either cold or slightly warm, not hot) into a bowl, pour the measure of dry milk onto the surface of the water, and beat with a beater or egg whip. As paste forms on the side of the bowl, scrape it into the water and continue beating until the fluid is smooth.

Smoked ham or shoulder with grits or rice.

Smoked ham or shoulder scalloped with potatoes.

Creamed chipped beef.

Creamed mixed vegetables with egg or cheese.

Salt pork or bacon corn bread.

Cereal and fish.

Creamed salmon with rice.

Creamed hard-cooked eggs.

Scrambled eggs.

Salt pork and vegetable chowder.

Bean soup with salt pork or bacon.

Creamed cabbage.

Biscuits.

Whole-wheat drop biscuits.

Whole-wheat muffins or batter bread.

Rolled oats or rolled wheat muffins.

Corn bread.

Corn meal-and-flour muffins.

White bread.

Whole-wheat bread.

Whole wheat and white flour bread.

Brown bread.

Corn-grits pudding.

Raisin-bread pudding.

Creamy rice with raisins.

Fruit and rice pudding.

Fruit shortcake.

Dried-fruit cake.

Rolled-oats cookies.

Nut cookies.

Whole-wheat cookies.

Salad dressing.

Cocoa.

My view of it is, if I may state it to the committee, that this is a valuable food product, while concededly not equal in nutritional value to whole milk, and I think no man will successfully gainsay that it would not have honest labeling if this bill should be enacted into law. Rather would it remind me of the statement of Mr. Justice McReynolds in interpreting the first food and drug law, the pioneer law in this field, which the illustrious Dr. Harvey W. Wiley fathered and administered.

Dr. Wiley first brought to Washington as his assistant, the present Commissioner of Food and Drugs, who succeeded him in that service and who has been there ever since capably and faithfully protecting the consumers, Mr. W. G. Campbell. Justice McReynolds in that case said: "The statute enjoins truth. This label exhales deceit."

And yet I believe, without deceitful labeling, without any misleading label, if the industry would grasp this situation and make an educational campaign and advertise this product; and cooperate with the Government through such means as these recipes, attempting to help popularize this valuable food product, I believe a desirable end would be accomplished without striking at the very heart of this great consumer protective measure, as vital to the welfare of the American people as ever came out of this or any other committee.

MR. BECKWORTH. Mr. Chairman.

THE CHAIRMAN. Mr. Beckworth.

MR. BECKWORTH. Just one question. I remember Congressman O'Hara just a minute ago mentioned that the concept of skim milk

has changed. I just want to ask this question. Is more fat taken from milk that is separated with a separator or that is skimmed milk, as we used to know about it in the homes of the land?

Mr. ROADHOUSE. The separator, the centrifugal separator, is more efficient in removing fat than the hand method which is very wasteful.

Mr. BECKWORTH. Well, now, I did not get the idea as to how the concept initially changed. Can you explain that to me? I am just asking for information.

Mr. ROADHOUSE. I thought I had answered your question.

Mr. BECKWORTH. Well, I am asking how the concept changed.

Of course you did not make that statement. I am just wondering if you can compare it. Mr. O'Hara made the statement.

Mr. ROADHOUSE. Is the concept changed toward milk of this quality; is that what you are asking?

Mr. BECKWORTH. No; I am asking how, with reference to skim milk, has the concept changed?

Mr. ROADHOUSE. The concept is a thing that is not measurable. I believe that the accuracy of the terms would call for a change.

The CHAIRMAN. Is that all?

Mr. BECKWORTH. Yes, Mr. Chairman.

The CHAIRMAN. Do you have anything further?

Mr. ROADHOUSE. No, Mr. Chairman.

The CHAIRMAN. That is all. The committee will take a recess until 2 o'clock.

(Thereupon, at 12:10 p. m. the committee took a recess until 2 p. m., of the same day.)

#### AFTER RECESS

(The committee reassembled, pursuant to the taking of a recess, at 2 p. m., Hon. Clarence F. Lea (chairman) presiding.)

The CHAIRMAN. The committee will please come to order.

Mrs. Weagly, we will hear you.

#### STATEMENT OF MRS. ROY C. F. WEAGLY, HAGERSTOWN, MD., VICE PRESIDENT, ASSOCIATED WOMEN OF THE AMERICAN FARM BUREAU FEDERATION

Mrs. WEAGLY. Mr. Chairman.

The CHAIRMAN. I understand that Mrs. Weagly is vice president of the Associated Women of the American Farm Bureau Federation.

Mrs. WEAGLY. Mr. Chairman and members of the committee, my name is Mrs. Roy C. F. Weagly, of Hagerstown, Md. I am vice president of the Associated Women of the American Farm Bureau Federation, representing about 600,000 farm families.

We women of the farm bureau are deeply interested in this question relating to dry milk, not only from the farmers' point of view, but from that of the consumers as well.

Among the many nutritional problems confronting the housewife at this critical time is the one caused by her inability to secure an adequate supply of fluid milk to meet the health needs of her family. A most convenient, inexpensive, and advantageous addition to the diet is the dry solids of milk and yet because of the pure-food regulations requiring it to be called dry skim milk, it is not being utilized as it should be. Instead of protecting the consumer in this instance the



Food and Drug Administration is, by an unfavorable connotation, influencing the consumer adversely.

Contrary to popular belief, skim milk is not the same as defatted or separated milk. Skim milk is derived by the slow process of gravity separation from the butterfat. Skim milk is irregular in quality and value.

Having been born and reared on a farm and, incidentally, still living on the farm, and doing more hand milking this year than I have done through the last 39 years of my life, although I have a vivid recollection of the arduous and unpleasant task of skimming the milk in order to get as much out of the butterfat as possible, it was necessary to allow the milk to stand undisturbed for from 36 to 48 hours; because there was no refrigeration the milk frequently became sour in the meantime and was considered good for pigs only.

For many years we have been separating the milk on the farm by centrifugal force while sweet and still warm. Today large quantities of whole milk are being shipped daily to nearby creameries, where it is separated, and the separated milk is dehydrated as a valuable food solid recovered for human and animal consumption.

If this highly nutritious product, in dry form, were put into human consumption as rapidly as possible it would help to improve and maintain the health of our people. It would eliminate waste of this essential food and at the same time increase the dairyman's income.

The farm woman with her added responsibilities today is using more baker's bread than formerly and we want the baking industry to offer us the most valuable and nutritious product possible without the unfavorable connotation carried by the name "skim milk." Apparently in order to achieve the desired result it will be necessary for Congress to allow dry milk to wear a name that is more truly descriptive than is the misnomer, "dry skim milk."

Since milk is liquid, dry solids of milk would be a much more acceptable name to the producer and the consumer.

We believe that all honest effort should be made to increase rather than prevent the use of dry milk.

Therefore, we approve H. R. 149 and urge that the committee give it unanimous support.

I thank you.

The CHAIRMAN. Thank you, Mrs. Weagly.

Professor Fairbanks, of Urbana, Ill., department of animal industry, University of Illinois, is the next witness on my list.

#### STATEMENT OF PROF. B. W. FAIRBANKS, URBANA, ILL., DEPARTMENT OF ANIMAL INDUSTRY, UNIVERSITY OF ILLINOIS

Mr. FAIRBANKS. Mr. Chairman and gentlemen of the committee, in support of my opinion that the bill, H. R. 149 should be made law, I should like to take my cue from the phrase "Combating malnutrition among the people of low income," which appears in the opening sentence of the bill. I feel somewhat qualified to use this as my initial approach, as I was trained in the field of nutrition and have been working rather closely with nutritional philosophies for many years.

I also feel justified in making this approach because in the comments this morning, the subject of nutrition and nutritional concepts was frequently injected into the deliberations.

We are dealing with a product here, where the fat of the milk has been removed, and we recall that Professor Roadhouse enumerated in his discussion the nutrients in the milk from which the fat had been removed. These nutrients are proteins, carbohydrates—the particular one being lactose—minerals, and in this fraction of the milk, the water-soluble vitamins.

I also call to mind the letter which the chairman read from Dr. McCollum, of Johns Hopkins University, in which he made mention of the matter of enrichment.

I mention these two things because there is a tendency among people who have not had the time to study the nutrients and nutrition to put tremendous emphasis upon the fat fraction which has been removed from the milk. I also bring up the question of fat because of the enrichment program which Dr. McCollum mentioned in his letter. To my knowledge, no enrichment program has ever included the enrichment with the food nutrient, fat. The enrichment program has been concerned primarily with minerals and the water-soluble vitamins, and I think it is of interest to point out that these nutrients mentioned in the enrichment program, minerals, are found in milk and carried over to this fraction of milk with the fat removed. Moreover the water soluble vitamins which are appearing in the enrichment program are again found in milk, and they, too, are carried over into the part of the fraction of milk from which the fat has been removed.

Also the previous witness, Professor Roadhouse, made mention of the publication of the Nation's protein supply, No. 114, a report of the Food and Nutrition Board of the National Research Council published under date of 1942. He quoted this morning the fact that 82 percent of the skim milk, so called, was left on the farms: I should like to be permitted to repeat that figure and to point out that that is not 82 percent of the total whole milk production but 82 percent of the skim milk or that fraction of the milk which has had the fat removed.

I think I am correct in stating that is 82 percent of the liquid milk from which the fat has been removed. A large percentage has gone into the liquid whole milk trade; a large percentage—I am speaking of whole milk—has gone into the manufacture of other dairy products. It is 82 percent of the skim milk which is left on the farm, and it is interesting to convert this figure into terms of the solids not fat of milk, which amounts to 4,000,000,000 pounds.

Therefore, with this supply of protein, I should like to quote from No. 114, the Nation's Protein Supply:

While a protein shortage certainly is not imminent, this fact does not exclude the possibility that it may occur at the expiration of the war. Then the United States and Great Britain may be called upon to feed a large part of continental Europe. The demand for high-protein foods of the sort to which we and the British are accustomed may exceed the production facilities of the two countries, particularly during the critical period of economic readjustment immediately following the cessation of hostilities.

The authors of this statement, as well as of the entire publication, are W. C. Rose, professor of biochemistry, University of Illinois; D. B. Jones, United States Department of Agriculture; W. J. Morse, Division of Forage Crops and Diseases, United States Department of Agriculture; and R. C. Pollock, National Live Stock and Meat Board.

From these things certain facts might be enumerated:

First, there is a possibility of a protein shortage in the diet of man. This has been stated in the publication. As the war continues and increases in intensity, it is my personal opinion that this possibility is indeed becoming a reality or rapidly approaching a reality in the feeding of man, of our own people; and I think some consideration should be given to our protein supply.

Second, there is an extraordinary protein supply on farms in the form of milk from which the fat has been removed. My calculations, or rather, shall we say, generalizations—and I gave the figures a moment ago of 4,000,000,000 pounds—are, I think, for all practical purposes correct.

This supply must be tapped to feed our people. In fact, this committee believes this is the most likely potential supply to be tapped for feeding our own people. True it is that the committee refer also to fish, to the soybean, and to the peanut as three other possible sources to be tapped for the nutrition of man; but the article and the paper clearly indicate to me, as one reader, that their greatest hope is placed upon this tremendous amount of milk protein now left upon the farm.

The third point, mentioned, or the third fact which might be gathered from a study of this publication, is that the milk from which the fat has been removed should be made available in the dry form. I do not believe it is necessary to defend that, as I am not an economist, and such things as transportation and storage come into a defense of that recommendation. The facts and the logic of the three points which I have enumerated as coming from this publication—though I must assume the responsibility for their order—and their choice seem to me sound and indisputable.

Now, it becomes my unpleasant duty to point out one barrier which stands squarely in the way of a full realization of the laudable objectives of tapping this protein supply. I am bold enough to give it as my own personal opinion after the very interesting discussion of the morning that that barrier is the name "dry skim milk." It is my considered opinion that this potential supply of protein will not be made available to Mr. and Mrs. Consumer as rapidly as it might be, for it will not be accepted by the average housewife as an ingredient in staples which she may buy or use as an ingredient itself in the kitchen under its present unhappy name.

If these opinions are true, what will be the result? The first result will be that this large, potential, readily available supply of protein will not be tapped to maintain a nutritionally adequate diet for man, in which I am very much interested. The housewife will not purchase articles of diet which might contain the nonfat solids of milk needed to maintain the proper level of protein intake; her failure to do so will be a contribution, let us say, to the malnutrition of man as far as his protein requirements are concerned. It is my personal opinion that the processors of industrial foods will hesitate to include the nonfat solids in their goods if they must include them under the name of dry skim milk. Consequently, our population will not be receiving as many grams, if you like, of protein in the daily diet as they would if the processor would have no hesitancy about including the nonfat solids.



I emphasize that point because this morning the question was brought up as to what would be the effect upon the consumer, and I think the effect upon the consumer can be tersely stated by saying there is a danger of the consumer not receiving enough protein in his diet.

Also the impact upon the industry was also mentioned this morning. My third point is that the dairy industry will have to continue to operate on a basis that forces one fraction of the milk, namely, butterfat, to carry the monetary load. That is, the industry. And the fourth point is that the dairy farmer himself will be paid for his milk only on a fat basis as he has for the most part, although not entirely, during the past years, rather than on the true economic value of his product, which includes both the butterfat and the nonfat milk solids.

Mr. HALLECK. Mr. Chairman.

The CHAIRMAN. Mr. Halleck.

Mr. HALLECK. I wonder if I might intervene there.

Mr. FAIRBANKS. Yes, sir.

Mr. HALLECK. You mentioned the fact that 82 percent of—you called it skim milk and I think the proponents of this legislation had better start calling it separated milk, or something like that, is not used commercially, but that does not mean the farmer does not make use in his own way of the skim milk or separated milk?

Mr. FAIRBANKS. No, sir.

Mr. HALLECK. That is produced on the farm.

Mr. FAIRBANKS. No, sir; it does not, and may I have your permission to discuss briefly the point you have just made that he does use this on the farm in the form of animal feed. Consequently, it is not a total loss to agriculture, nor is it a total loss to animal feeding and in turn is not a total loss to the feeding of man; but figuring very generally—and I would like to reserve the privilege of having the opportunity of rechecking and correcting these figures—I say very generally, and I hope conservatively, when we feed 1 pound of the nonfat milk solids to our livestock on the farm, we are losing approximately 50 percent of that product for the human diet. My reason for stating it in this way is this. Supposing that the skim milk is fed to a hog. There is going to be a loss of 30 percent, let us say, in dressing and we must take out the bone of the slaughtered carcass. Estimating very roughly, as I must do here, I should say that the edible meat on that carcass, figuring conservatively, involves a 50-percent loss. If the skim milk had not gone, if it had not been fed to the animal and then fed to man, but fed to man directly, we should have saved the 1 pound where we have lost the half pound.

Mr. HALLECK. Is whole milk dried?

Mr. FAIRBANKS. Whole milk is dried; yes, sir.

Mr. HALLECK. Commercially in this country?

Mr. FAIRBANKS. Yes.

Mr. HALLECK. What do you call that product?

Mr. FAIRBANKS. That product is known as whole dried milk or dried whole milk.

Mr. HALLECK. Have the people in the industry who dry separated or skim milk, been able to get all of the raw supplies they need?



Mr. FAIRBANKS. I am not really confident that I can answer that question, because that is in the economic and procurement phase of the industry. If I may be permitted to state my opinion—

Mr. HALLECK. The only reason I asked that question is simply this, that if you are trying to bring about a situation—and you argue very well for it—to move more of this separated milk into commercial channels, why, you would first have to have the willingness, economically, on the part of the farmer, to transport that skim milk or pay somebody to transport it to the markets so that it could be dried commercially.

Mr. FAIRBANKS. Yes, sir. That brings up a problem which is now under consideration by another group, about which I happen to know, because I was asked to comment upon it. I think we can say here briefly it will resolve itself into a matter of simple arithmetic. If the farmer can be shown that he will get more out of his product by delivering it as whole milk than he can if he delivers it in the form in which he is now delivering it, then it will be diverted into human consumption. I am not competent to speak on the economic phases but from the standpoint of human nutrition, I am fairly competent, I believe, to say this, that one of our problems—I do not know how it is going to be solved, for that is out of my field—but one of our problems is to get this 4,000,000,000 pounds into human consumption, because of the present food situation.

Mr. PRIEST. Mr. Chairman, could I ask one question at this point?

The CHAIRMAN. Mr. Priest.

Mr. PRIEST. I was just wondering about this. Say that a farmer down in my State, who has a dairy herd and milks a number of cows, runs his own separator; he separates the milk and he has 87 pounds, approximately, out of every hundred pounds of so-called skim milk or separated milk left over after he takes from it the marketable commodity of butterfat. Is there any way now on any large scale that a farmer in that situation could market this left-over, this 87 pounds out of 100 pounds, in many sections of the country? Is there a market outlet for the skim milk that he has left over when he separates his own cream and sends it to market?

Mr. FAIRBANKS. As I visualize the trend, this particular farmer will not separate his milk on the farm, but he will ship it in as whole milk.

Mr. PRIEST. That would be the ideal situation, I suppose?

Mr. FAIRBANKS. Yes.

Mr. PRIEST. Under the conditions as they are today though, assuming that he does separate his own milk—and a great many of them do—in fact, I think most of them in my particular area separate their own milk.

Mr. FAIRBANKS. Yes, sir.

Mr. PRIEST. I am just wondering if there is any market channel for his skim-milk product.

Mr. FAIRBANKS. I am inclined to answer that in the negative. However, I am speaking only in the light of my experience in the section from which I come. I have not heard of trade and traffic in the liquid portion of the milk, after the fat has been removed; no, sir. It is usually used as feed for calves, poultry, and hogs, and again harping on the nutritional aspect from the human point of view, I must say I think that that is a waste from the standpoint of the feeding of man.

Mr. PRIEST. That is all, Mr. Chairman.

The CHAIRMAN. Did I understand you to say that the relative food value of this product, in feeding it to human beings, or producing meat and feeding it to animals, was two to one in favor of the human consumption?

Mr. FAIRBANKS. Yes, sir; in doing some very hasty calculation. But I am rather certain that my figures stand correction, downward rather than upward. That is my honest and sincere opinion.

The CHAIRMAN. If I remember rightly, the figures that have already been presented to the committee gave a greater differential in favor of human consumption.

Mr. FAIRBANKS. I should not be surprised if that figure would be changed, but I do not want to err on the side of exaggeration.

The CHAIRMAN. I take it that it is your viewpoint that to the extent, if any, that the use of this term prevents the use of milk for human consumption, it tends to increase the price of butterfat to the American people, because the producer of milk gets less out of it, and therefore he has to charge a higher price for his butterfat. Is that right?

Mr. FAIRBANKS. If I understand, Mr. Chairman, correctly; yes, sir. The butterfat at the present time, as I have it in my notes, must carry the entire monetary load of the industry, and that, I think, has been true for some time.

Now, if this other fraction could be brought into free and easy movement and traffic in trade, it certainly would have a value, a tremendous value, from the standpoint of nutrition. Then that fraction would carry part of the monetary load of the industry.

The CHAIRMAN. Not only that tendency, but that would decrease the cost of production of butter; decrease the retail price of butter to the consumer.

Mr. FAIRBANKS. As a nutritionist I should imagine that would be true. Now, an economist could be very sure of answering the statement, but I cannot see why it would not be true, if it is going to take part of the load of butterfat and spread the cost over two fractions instead of one: It does seem logical that it would reduce the price of butter to the consumer.

The CHAIRMAN. That, of course, is on the assumption that there is a decrease in the consumption of milk.

Mr. FAIRBANKS. Was the chairman referring to decreasing the liquid whole milk?

The CHAIRMAN. No; decreasing the consumption of separated milk because of the unfavorable name that is applied to it. That is assuming that.

Mr. FAIRBANKS. Yes, sir.

The CHAIRMAN. That is all.

Mr. HALLECK. Mr. Chairman.

The CHAIRMAN. Mr. Halleck.

Mr. HALLECK. What term do you propose here; or do you get to that later?

Mr. FAIRBANKS. May I read this in connection with that?

Mr. HALLECK. Yes.

Mr. FAIRBANKS. This is my point of view. It is not within my province to suggest names for this nutritious product, which contains not only protein, which I have emphasized, but also minerals,

vitamins, and milk sugar. In other words, I am not competent, nor I do not believe it is within the province of nutritionists, to propose names. I shall be glad to pass my judgment as an individual, but I do not feel qualified to propose names.

My only preference is that the name should be changed, or more specifically, because of the unhappy company that the word "skim" has got into, that the word "skim" should be deleted in some way or other. I should not care to go further than that.

The CHAIRMAN. Are you through, Mr. Halleck?

Mr. HALLECK. Yes.

The CHAIRMAN. In that connection here we have the words "dry milk solids" in this bill, which in itself does not distinguish between whole milk and separated milk.

Mr. FAIRBANKS. Yes.

The CHAIRMAN. Is that the construction you put on those three words?

Mr. FAIRBANKS. On the market we have a product, as was brought out in the previous question, called "dry whole milk." There is no product on the market called "dry milk solids." The defense of the term "dry milk solids," though I am not saying the final defense should come from me, is that lactose is a solid; protein is a solid; minerals as a group are a solid. These three are all in this fraction of the milk, so they are dry milk solids, if the term is defined.

The CHAIRMAN. But those words in themselves do not distinguish between the whole and the separated milk. Is that not true?

Mr. FAIRBANKS. I think they do, sir, for this reason, that it has become and is the usual terminology of the manufacturer of whole milk to put on the labels "dry whole milk," while this would be "dry milk solids."

The CHAIRMAN. In this bill the words are used interchangeably "dry milk" or "defatted milk solids," and then the language proceeds to define the contents on the assumption that they are interchangeable terms. Now, is the definitions given here as to those solids accurate in making both the terms apply to defatted milk solids? You understand what I mean? You see how these two terms are used.

Mr. FAIRBANKS. The two terms are used interchangeably.

The CHAIRMAN. Yes.

Mr. FAIRBANKS. Yes.

The CHAIRMAN. Do they mean the same thing or are they intended to mean the same thing.

Mr. FAIRBANKS. Yes, sir.

The CHAIRMAN. And the same definition applies to each?

Mr. FAIRBANKS. Yes, sir.

The CHAIRMAN. Now, assuming that that is so, is the definition that is given here accurate in defining what the product is?

Mr. FAIRBANKS. My personal opinion is that the definition is accurate.

The CHAIRMAN. Mr. Sadowski.

Mr. SADOWSKI. Is not the fat a solid also?

Mr. FAIRBANKS. The fat solids are removed, but this wording "defatted" does not indicate in itself that all of the fat is removed any more than the word "dehydrated" indicates that all of the water has been removed.

Mr. SADOWSKI. In the use of merely the words "dry milk solids" there is nothing there to express the fact that one solid is missing, and that is the fat——

Mr. FAIRBANKS. In the definition it would be defined——

Mr. SADOWSKI. I would not have known what this dry milk solid was, if I had seen it before I heard the discussion in this committee. I would not have known what that meant, if I had seen it on a package, if I had gotten a package of dry milk solids. I would not understand from this that the fats had been removed. In other words, do you not feel that the word "defatted" should be used in expressing skim milk?

Mr. FAIRBANKS. Well, I will go back and say I do not feel that it is within my province to suggest a name, and I do not feel entirely competent to pass judgment on names. I shall be glad to give you my personal opinion in answer to your question, and say I have no objection to the term "defatted milk". On the other hand, as mentioned a moment ago, I think that the term "dry milk solids" can be defended, because there are dry milk solids in the product. I admit frankly that the fat is not there, but the definition indicates that the fat is not there.

Mr. HALLECK. Mr. Chairman.

The CHAIRMAN. Mr. Halleck.

Mr. HALLECK. Of course, as an expert, it could be defended, and you would have an understanding about it that is broader than that of the person contemplated, I am sure, by the Pure Food and Drugs Act that this committee reported out sometime ago in which it was required that the definitions follow the common and usual names. I take it that that was intended to convey to the purchaser, the consumer, the sort of information that he would know about and that it would mean something to him.

Now, you have spoken of the stigma involved in the use of the word "skim," and I think it is there, and I feel very friendly to something that might be worked out. But do you think that there would be any stigma connected with the product if it were called "defatted milk solids?"

Mr. FAIRBANKS. My personal opinion is no, sir.

Mr. PRIEST. Mr. Chairman.

The CHAIRMAN. Mr. Priest.

Mr. PRIEST. It seems that our big difficulty here is getting a definition that will tell the consumer at least what the product is and not be distasteful or not be a bar to the use of this product.

Now, it might be a little longer and a few extra words, but I am just wondering what your opinion would be if we referred to it as dry milk proteins, lactose, and minerals. There are three extra words, but it tells what they are getting in defatted milk. Is that at all logical to refer to it as dry milk proteins, lactose, and minerals; or is it too wordy?

Mr. FAIRBANKS. Well certainly, it is too wordy or from the standpoint of commercial use. I am an academic man and not supposed to know much about the commercial, and I live up to the reputation. I do not. It is pretty wordy, and moreover one could say if all of the nutrients present are going to be enumerated then the water-soluble vitamins would have to be enumerated also, such as nicotinic acid—



that has been changed to niacin—riboflavin, thiamin, pantothenic acid, pyridoxine, para-aminobenzoic acid, and so forth. You see that it becomes confusing, to me at least.

Mr. PRIEST. Of course, I assume that the greatest value in this product is proteins. That is the primary value, in other words.

Mr. FAIRBANKS. From the standpoint of our present needs; yes, sir.

Now, it is very difficult for a nutritionist to say whether this is more valuable than that or whether that is more valuable than this, because the thing that is the most valuable is the thing that we do not have. At the present time, if we may accept the very careful work of the report mentioned here, the indication is that we are on the verge of a shortage in proteins. I have been working on a committee from the standpoint of animal nutrition, and I can report we are 23 percent short on proteins for animal feeds, which gives me confidence in the implication in this report.

Mr. PRIEST. Protein shortage for animal feed is one of the most critical things in the production of milk in my area. Dairymen do not have it and are going to have difficulty in getting high protein-content feed for dairy cattle in my section and are having difficulty in getting it at this time.

That is all, Mr. Chairman.

Mr. BECKWORTH. Mr. Chairman.

The CHAIRMAN. Mr. Beckworth.

Mr. BECKWORTH. I understand that some 90 percent of the supply of powdered milk is now frozen for lend-lease and for our armed forces which, of course, shows that it is a very valuable food, but that in order to be sold by the American manufacturer it must be labeled, "Dry skim milk." Have you been told, or have you the information, that in order for the millions of pounds of this milk to be distributed in England that it must be again packaged and labeled "household milk" in order to be distributed? Do you know anything about that?

Mr. FAIRBANKS. I have had no information concerning that.

Mr. BECKWORTH. I just wondered to what extent that might be true. Naturally that is another factor, since so much of it goes there.

Mr. FAIRBANKS. I believe that that can be answered.

Mr. BECKWORTH. You have no information on that?

Mr. FAIRBANKS. I do not, no; not personally. I think that can be verified or disproved, but I do not know personally; no, sir. I am sorry.

The CHAIRMAN. Well, we thank you. You were through, were you?

Mr. CHAPMAN. Mr. Chairman.

The CHAIRMAN. Mr. Chapman.

Mr. CHAPMAN. Professor Fairbanks, you indicated in the beginning that you were primarily interested in providing this nutritious skim milk and making it available to the people in the lower-income brackets. That is correct, is it?

Mr. FAIRBANKS. Yes, sir.

Mr. CHAPMAN. Well, I am in full accord with your position on that, making that available to them; but which do you think is the better way of bringing this into use by people in the low-income groups, by

advertising and by educating the consumers as to the value of skim milk or powdered skim milk as nutritious and wholesome food, or by selling it to them under deceptive labels?

Mr. FAIRBANKS. I believe there are two points there, sir, and I think the first one I should answer by saying that education takes time. I am an educator myself. I have some faith in education. At the same time I believe education in many things is tremendously slow. We have been attempting to get the farmers of Illinois to feed protein supplements for 25 years, and we have not been successful. Consequently, if we have millions of dollars and much time, yes, I think education would do it; but I should like to see relief before I pass out of the picture, and I do not think it can be had before that time.

Mr. CHAPMAN. Do you think, then, that it is necessary, in order to bring this food into use by people in low-income groups, to sell to them something for what it is and not mislead them by deceptive labeling?

Mr. FAIRBANKS. The direct answer to your question is no.

I do think, however, that either one of the two terms is more deceptive or more misleading than the one we now have; for the product is neither skim nor is it milk.

Mr. CHAPMAN. Then it would be all right to permit them to label the cap of a bottle of skim milk as milk?

Mr. FAIRBANKS. No; no sir.

Mr. CHAPMAN. Do you think then it would be right to permit them to label dry skim milk as dry milk?

Mr. FAIRBANKS. May I go back to the first question?

Mr. CHAPMAN. I would like to get the difference there and the differentiation as between those two proposals, because it occurs very forcibly to me that, if we are going to permit dried skim milk to be labeled "dry milk solids," then by the same process of reasoning, we should permit them to label liquid skim milk as "milk."

Mr. FAIRBANKS. You understand, sir, that I am not defending any name. My plea respectfully is that the name "skim" be deleted, because I do not believe the product is skim.

Mr. CHAPMAN. But you believe that it is the usual, common name for this product we have under discussion?

Mr. FAIRBANKS. In some sections, not all.

Mr. CHAPMAN. I say the "common and usual name." I do not mean among chemists or other scientific men, but I mean the common and usual name among consumers throughout the country.

Mr. FAIRBANKS. I would answer that in the affirmative, but I should then say it is an incorrect name, even though it may be common and usual.

Mr. CHAPMAN. But, it is common and usual.

Mr. FAIRBANKS. But it is the name, if I may copy a phrase, that has a stigma attached to it.

Mr. CHAPMAN. I notice that in some jurisdictions where they permit the sale of skim milk with the label "skim milk" on it, it has to be sold in a package, but cannot be sold to be consumed on the premises, because it is not labeled, and the consumer will not know that he is not getting whole milk. Would you approve of a regulation like that?

Mr. FAIRBANKS. Well, I am not familiar with those regulations, and I must confess just a little slowness in picking up those points, because they are out of my field.

I would say this, I am not in favor of any deception.

Mr. CHAPMAN. I am sure of that.

Mr. FAIRBANKS. And I state that frankly.

Mr. CHAPMAN. You quoted from the report of the Food and Nutrition Board of the National Research Council; I believe you did, as did Professor Roadhouse this morning.

Mr. FAIRBANKS. Yes, sir.

Mr. CHAPMAN. I notice in their report of January 14 to 16, 1943, that there is some question about the statement that was made this morning by one witness that this skim milk that is divested of cream and other qualities and not sold as dried skim milk is wasted on the farm. This report of the National Research Council of this year says:

In addition to these potential supplies of skim milk and buttermilk remaining on farms, there is another potential source of 3,136,800,000 pounds of buttermilk resulting from creamery churning operations. Some of this is now sold as buttermilk; some of it is dried, but most of it is available for farm feeding.

They estimate that at 2,000,000,000 pounds. The report also says:

At the present time it can be assumed that there is practically no wastage of skim milk resulting from milk plant separations.

Is that in accordance with your opinion?

Mr. FAIRBANKS. Well, no wastage from milk plant separations; that is, separations in the plants.

Mr. CHAPMAN. He also says in this report that—

the feeds that are needed most to replace withdrawals of milk products are animal and fish byproducts, alfalfa meal, and fermentation and distillation byproducts containing the B-complex of milk. All of these are short in supply at the present time.

Any attempt to divert milk byproducts from the farm, therefore, should be made gradually and with full understanding of the animal feed problems concerned, for after all, before there could be adequate edible human food these must first be adequate animal feed.

Mr. FAIRBANKS. I agree with that heartily, sir; but I am also more interested in the feeding of man than I am in the feeding of the particular livestock that I am supposed to be working with all of the time, and this milk that is separated in a plant will be made available for man. That milk which is separated on the farm is made available for the livestock. As we remove that milk from our livestock feeding, I admit frankly that we aggravate the animal problem; but as an animal nutritionist I feel confident we can work around it. If we should go over onto the shipment of whole milk into the processing plants, then that buttermilk which has been mentioned could also be made available for human consumption, because of the clean and sanitary way in which it could be brought into the plant, consequently, in going over to this new basis, we could add that as a possible tap, supply tap, for human beings.

Mr. CHAPMAN. I am also also interested considerably in that portion for human consumption, and I consume probably more than my share of dairy products; but also I like a little pork and chicken, and some of these things that are fed this skim milk on the farms.

Mr. FAIRBANKS. I assure you, sir, we shall have plenty of pork if we do not feed a drop of the fraction of milk from which the fat has been removed.



Mr. HALLECK. If my colleague will permit me, the term "defatted milk solids" is used here in the alternative, and it strikes me that that would not be a misleading definition.

Mr. CHAPMAN. I think that would be much less so than the "dried milk solids."

Mr. HALLECK. In other words, it is defatted milk dried.

Mr. CHAPMAN. But, if you leave it in the alternative, the chances are 100 to 1 that they will never use the "defatted milk solids," but will use the other exclusively.

Mr. HALLECK. I think that is probably right, and to be perfectly honest about it on that phase of it, I cannot forget that we said in the act that a food shall be deemed to be misbranded if its labeling is false and misleading in any particular. So, I think it would certainly be incumbent upon the Congress not to impose a definition that would be false or misleading.

Mr. CHAPMAN. It is not even questionable that dried milk solids is misleading.

Mr. HALLECK. If our colleague, Mr. Sadowski, is correct, it would not be possible to use any of these terms. As I understood he said that meant to him that it was whole milk.

Mr. SADOWSKI. Suppose they used "dry milk solids, fat divested." That would explain what it is. There should be some explanation as to what solid is missing, or else the public is not getting what it thinks it is getting.

Mr. HALLECK. Mr. Chairman, before we get through, I hope someone will point out, assuming that this definition ought to be changed, the propriety of the Congress superimposing its judgment on the agency. I cannot help but think of a situation under which—and I am suggesting this because it is a problem that is in my mind—assuming that the dairy industry thought that the freight rates were too high on milk, or any other product, and then they appealed to the Interstate Commerce Commission for a change in their rates, and they were disappointed at the outcome, would the Congress then be justified in stepping in and making a new rate in contravention of what the Commission had decided?

And as I suggest, I would like to hear something about that.

I may say, Mr. Chairman, for what it is worth, that I am intensely disappointed that the administration did not find some way to adjust the differences here involved.

The CHAIRMAN. Well, I can say to the gentleman from Indiana (Mr. Halleck) that I felt that way about it, too. I want to again call to your attention—I do not know whether you were here when I read the communications from the dairy industry.

Mr. HALLECK. Yes, I heard that.

The CHAIRMAN. But, this is what the industry requested:

We request that any regulation that may be issued, or amendment of the present regulation, shall eliminate any provision for the compulsory use of the words, "skim, dried skim milk, powdered skim milk, skim milk powder."

We suggest that a standard of identity include the words, "dry milk solids or defatted milk solids", or other words which actually define the finished product; that the standard should define the product and not the method of preparation or what is misconceived to be the method of preparation.

In other words, the request of the dairy industry to the administration included the right of that administration to fix its own definitions.



Now, if there is any question about the propriety of the definitions as proposed, this request of the dairy industry gave to the administration the right to correct it and use their own language in defining it.

Mr. HALLECK. That seems to be a reasonable request.

The CHAIRMAN. That is the request of the great dairy industry of the United States.

Now, the administration turned that down.

So, we are here as the only method for relief, which is by legislation in the Congress.

Mr. CHAPMAN. Mr. Chairman, the way I construe this letter you read, which was signed by a representative of a large organization of dried skim milk producers, is that it was a request for a hearing on this subject.

The CHAIRMAN. That is right.

Mr. CHAPMAN. And according to the law as written by Congress, I cannot see to save my life where any ground for a hearing or a rehearing was shown in that letter or petition, or whatever you may call it, and nobody has successfully controverted, so far as I have been able to see or hear, either in the hearings last year or this year, or has even attempted to controvert the fact that skim milk is the common and usual name, and the only thing that the administration did was to carry out the legislative intent of Congress in the enactment of the food, drugs, and cosmetics law.

The CHAIRMAN. But the language of the act was put in there to try to indicate to the administration the fact that Congress favored the usage of the commonly used names, not as a hard and fast proposition, and surely the committee never would have put that in there if it had thought that the Food and Drugs Administration was going to use it in preventing anything being done in a situation like this.

Mr. HALLECK. If I might intervene at that point, I well recall that when the act was considered we talked a lot about that, when we wrote it, but it is qualified by the words "so far as practicable."

The CHAIRMAN. Yes, it is qualified by the phrase "as far as practicable."

Mr. HALLECK. And thereafter the words follow "a reasonable definition and standard of identity."

The CHAIRMAN. Yes.

Mr. HALLECK. In other words, the thought occurred to me, if I might suggest it to my colleague from Kentucky (Mr. Chapman) that maybe the best legislative process would be to change the basic law; but that gets into difficulty again, because by and large I think the usual and common name is the name that should be followed; but this thing strikes me as something of an unusual situation that apparently has existed and caused a lot of contention and a lot of controversy.

Mr. CHAPMAN. Several of us asked these people representing the skim milk industry when they came here last year to suggest some other name and they were asked if some other term would be agreeable. So far as I know, nobody has ever suggested or agreed to any other name except that set out in the bill, and this letter does not suggest any other name.

Mr. HALLECK. Defatted milk solids has seemed to me to strike pretty closely to what is the true situation. I do not recall what the con-

dition was last year, but at this time, the communications coming to me have used these two terms pretty much in the alternative. That would indicate to me probably either one of them would be satisfactory. Assuming we arrived at the satisfactory definition, satisfactory to the industry and which we, as individual members of the committee, might think was fair and right, and within the law, then, of course, the next question which occurs is what are we going to do about it?

The CHAIRMAN. Well, the way it stands, apparently all we can do is to decide whether to grant the industry this relief or not. I take it that it is clearly impracticable to accept a term as a proper definition for a wholesome food product, such as "skim milk" if it carries a stigma.

Mr. TIBBOTT. Mr. Chairman, if those words "skim milk" can be changed without using other terms which would be deceptive to the public, they should be changed. As to the words "skim milk," there is no question about that.

The CHAIRMAN. Yes.

Mr. TIBBOTT. In other words, I think the pure food and drugs people have done a tremendously good job, but at the same time it seems to me here we have the whole industry in favor of one thing. Apparently the only ones opposed to it are those down in the Food and Drugs Administration; and it seems to me that they are taking an arbitrary attitude in this instance. I, too, have in mind what Mr. Halleck brought up. Every time somebody disagrees with the ruling of that Division or some other division, Congress surely cannot sit up here and make exceptions to the regulations that they put out.

The CHAIRMAN. That is true, too; yet, on the other hand, we cannot give these administrative agencies of Congress the right to run over us.

Mr. CHAPMAN. Mr. Chairman, nobody has tried to run over anybody so far as the administrative agencies are concerned in this case, but as to the consumers of this country, it is true that we do not have many witnesses coming here except from the special interests, the skim milk manufacturers. The 130,000,000 consumers who are entitled to honest labels, and not deceptive and misleading labels, are not organized. Naturally some representatives of the consumer groups will appear here, but the people for whom we legislate and will continue to legislate—the vast majority of them—cannot come here and protest against this attempt to legislate into use a deceptive name.

Mr. TIBBOTT. Does not the gentleman feel that we could find some other term other than skim milk that will not be deceptive?

Mr. CHAPMAN. I tried to from several advocates of this bill last year. I asked them to suggest one, but to date I have not heard one.

Mr. TIBBOTT. How about defatted milk solids?

Mr. CHAPMAN. You mean eliminate "dry milk solids"?

Mr. HALLECK. Eliminate the other art.

Mr. TIBBOTT. Would not this be clear, so far as the public is concerned and would it not be much clearer than the way it is now?

MR. WINTER. Mr. Chairman, does the gentleman from Kentucky feel that the label "skim milk" is not deceptive? How many people in the United States know what is contained in skim milk?

MR. CHAPMAN. I do not think that anybody can successfully dispute that skim milk is the common and usual name.

MR. WINTER. It may be the common and usual name, but the average person thinks of it as a residue, worthless, except for feed to live-stock.

MR. CHAPMAN. No.

THE CHAIRMAN. Yes, they do.

MR. CHAPMAN. It is understood by everyone.

MR. HALLECK. It is being called skim milk and the best evidence of that is that everyone who has talked here, while we try to guard against it, has used the term. We constantly lapse back to calling it skim milk and, of course, nobody skims the cream off of the milk the way they used to.

MR. CHAPMAN. More important than the definition of skim milk is the proposition of backing down on this great consumer protective measure. If they get the camel's head under the tent, they will attempt more, and, the first thing you know, everybody else who is dissatisfied with a label is going to come here and try to fix it by having enacted a statute on the question, and that is one of our greatest evils; this desire for legislation in this country is one of the worst things that is the matter with us now. Every time an ill needs a cure or there is an evil that needs a panacea, they say, "Let us go get Congress to pass a law."

We have got a basic law on this subject in this country and to break into it now strikes at the very heart of the Food and Drugs Act and the progress we have made toward truthful labeling, and it goes even further than that. The United States Circuit Court of Appeals, Eighth Circuit, said, in upholding this definition and standard of identity for "dried skim milk":

The statute required the Administrator, in fixing a definition of standard of identity for food, to do so "under its common or usual name so far as practicable." What was the common or usual name of the food product here involved, and whether its use in a regulation would be practical for administrative purposes, were questions for the Administrator, on which we would not be at liberty to disturb his determination, if based upon substantial evidence. Such substantial evidence is contained in the record in the case. The Administrator was not required to hold it impracticable, for regulation purposes, to use what the evidence sufficiently shows to be the common or usual name of a product among ultimate consumers, merely because such a designation might not be as conducive to sales by producers as some term of commercial coinage or glossing.

The purpose of the Food and Drugs Act is not to promote sales and not to lessen sales resistance. It is to apprise the consuming public of what is in a package of food.

MR. SADOWSKI. It seems to me, for the protection of the public, we could retain the present language of this bill and then write in after the words "dry milk solids" in line 5, just "fats divested," "fats removed," or "defatted." But, to have either one of those three expressions go in along with dry milk solids and not just use dry milk solids alone, but "dry milk solids, fat divested" or "dry milk solids, fat removed," or "dry milk solids, defatted"; or somehow, so that the



public would know that one solid was missing and that the fat has been removed.

The CHAIRMAN. You are through, Mr. Fairbanks?

Mr. FAIRBANKS. Yes, sir.

Mr. CHAPMAN. Mr. Chairman, in the Supreme Court of the United States, in the case of the *Federal Security Administrator, petitioner, v. The Quaker Oats Co.*, the Court decided in an opinion handed down March 1, 1943:

We have recognized that purchasers under such conditions are peculiarly susceptible to dishonest and unfair marketing practices. In *United States v. Carolene Products Co.* (304 U. S. 144, 149, 150), we upheld the constitutionality of a statute prohibiting the sale of "filled milk"—a condensed milk product from which the vitamin content had been extracted—although honestly labeled and not in itself deleterious. Decision was rested on the ground that Congress could reasonably conclude that the use of the product as a milk substitute deprives consumers of vitamins requisite for health and "facilitates fraud on the public" by "making fraudulent distribution easy and protection of the consumer difficult."

Both the text and legislative history of the present statute plainly show that its purpose was not confined to a requirement of truthful and informative labeling. False and misleading labeling had been prohibited by the Pure Food and Drugs Act of 1906. But it was found that such a prohibition was inadequate to protect the consumer from "economic adulteration," by which less expensive ingredients were substituted, or the proportion of more expensive ingredients diminished, so as to make the product, although not in itself deleterious, inferior to that which the consumer expected to receive when purchasing a product with the name under which it was sold (S. Rept. No. 493, 73d Cong., 2d sess., 10; S. Rept. No. 361, 74th Cong., 1st sess., 10). The remedy chosen was not a requirement of informative labeling. Rather it was the purpose to authorize the Administrator to promulgate definitions and standards of identity "under which the integrity of food products can be effectively maintained" (H. Rept. 2139, 75th Cong., 3d sess., p. 2; H. Rept. 2755, 74th Cong., 2d sess., p. 4), and to require informative labeling only where no such standard had been promulgated, where the food did not purport to comply with a standard, or where the regulations permitted optional ingredients and required their mention on the label.

It goes on down and—

Mr. WINTER. Mr. Chairman.

The CHAIRMAN. Mr. Winter.

Mr. WINTER. Will the gentleman yield at that point?

Mr. CHAPMAN. Yes, sir.

Mr. WINTER. Do you not think that it would be well for us to get on with these witnesses? We can argue the technical matters among ourselves.

Mr. CHAPMAN. Yes, sir; I think so; and frankly, Mr. Chairman, I did not start any of this argument.

Mr. WINTER. I know you did not, but if we are going to hear these witnesses, we will be here for a week.

Mr. CHAPMAN. I thought that I was justified in referring to this. I think that we should go on with the witnesses.

Mr. HALLECK. I think that I started this argument myself. I do not want any apparent disagreement between the gentleman from Kentucky, Mr. Chapman, and myself, because I think he and I see pretty much alike.

Mr. CHAPMAN. I know we do.

The CHAIRMAN. Mrs. Frederick G. Balz, a member of the State Legislature of Indiana and past president of the State Federation of Women's Clubs, State of Indiana, and member of the board, General Federation of Women's Clubs, is our next witness.



**STATEMENT OF MRS. FREDERICK G. BALZ,, INDIANAPOLIS, IND.,  
MEMBER, STATE LEGISLATURE, STATE OF INDIANA; PAST PRESI-  
DENT, STATE FEDERATION OF WOMEN'S CLUBS, STATE OF  
INDIANA; AND MEMBER OF BOARD, GENERAL FEDERATION OF  
WOMEN'S CLUBS**

Mrs. BALZ. Mr. Chairman, since the thing that I want to talk about you are pretty well of one mind about, it seems to me that I may be wasting your time.

The thing that has interested me more than any other about the bill and this question is the age-old prejudice that we find around this name "skim milk." There is not any question about that. That is true.

I was interested in the thing that this gentleman said about education. Several years ago the General Federation of Women's Clubs put on a program that asked its women of the United States to study labels on packaged foods, and we found after a goodly number of years that, of course, there were many women who did study the labels on the packages and knew what they were buying, but we found that there were not nearly the numbers of them that were informed that we had expected to be and we do know that it is a problem that consumed years educating people upon any one given subject.

Now, there is not any question but what in the mind of the Indiana club women—and I come from a State whose largest industry is the dairy farming and dairy production interests—there is not any question in the mind of these, at least 50 percent of the club women of Indiana, who are farm women, that that name has very largely restricted the dairy products and production in Indiana and they would like very much to see that name changed, whether you agree that it shall be dried milk solids or defatted milk—at least a name which will remove the stigma which has been created by skim milk.

Some one has objected to the idea of our coming to Congress to ask for these things. When an agency or bureau refuses, what other redress is there? I know in Indiana recently, as I have sat in the legislature, I found we have enacted several laws that seemed to me not to be within our prerogatives, but apparently there seemed to be no place else that problems could be brought and so we did it, and it seemed to me that it was the logical place to come, if the bureau or agency was not able to help us.

I am interested in it from the economic standpoint, from the returns which will come to the farm women—to the farmers—when an enlarged market is given for the use of the milk which we have been calling skim milk, and I am interested in it also from the standpoint of giving greater opportunity for use of this fine food to the people of the low-income brackets in the United States.

I was amazed to read that more than 33 percent of the men and women and children of America do not drink milk. Consequently if they are to have that quart of milk a day which our nutritionists tell us they should have, they must get it in the foods which are manufactured and in which this milk product is used.

With those things in mind, it seemed to me that we are not amiss in coming even to the Congress of the United States to ask for relief in this measure.

Thank you.

The CHAIRMAN. Thank you.

**STATEMENT OF C. H. SCOTT, LOUISVILLE, KY., PRESIDENT,  
GROCERS BAKING CO.**

The CHAIRMAN. Mr. Scott, we will hear you. Mr. Scott is president of the Grocers Baking Co. of Kentucky. I believe that organization operates in Kentucky, Indiana, and Tennessee. Is that right, Mr. Scott?

Mr. SCOTT. Yes, sir; Mr. Chairman.

Mr. Chairman and gentlemen of the committee, I am C. H. Scott, president of the Grocers Baking Co., Louisville, Ky., which owns and operates seven baking plants in the three States of Indiana, Kentucky, and Tennessee.

We are substantial users of dried milk solids, in the manufacture of our products. We manufacture bread, rolls, cake products, and doughnuts.

By far our biggest production is bread. However, we do use this, large quantities of milk solids through our entire production.

Since the Distribution Order No. 1 law has been put into effect, why, we have been required to cut down substantially the quantity of our normal use of milk solids. In other words, what we would use if it were not for the distribution order whereby our maximum allowance is now 4 percent.

We favor the passage of this bill, H. R. 149, for the reason that we believe that we could better tell our customers and the consumers in the area that we serve more about this good product that is going into all of our bakery products.

Our distribution is quite large over these three States—a large portion of Indiana; a large portion of Tennessee and practically the entire State of Kentucky, where a great portion of the population are bread eaters, and of the lower income brackets. If they knew more or could be told more about this nutrition food and the nutritional value of these dry milk solids, they would possibly eat more of those products containing dry milk solids than some other products that would not have as much nutritional value.

Now, we use a large quantity of this dry milk product for the reason that we believe that it contributes largely to the flavor of our product and its food value.

Our experience has been that the use of the term skim milk has interfered or created a false impression or a negative reaction in the minds of the consumers. They think it an inferior product, and we agree, I believe, that there is a need for some clarification of the term, in order that we may better tell our story and educate the people in our community and our customers more about this good product.

I believe it is generally agreed that there is a need for the clarification and if it is clarified we can give any user of this product an opportunity to better tell his story; to possibly increase the consumption of any product that has this dry milk solids in it; to promote and increase the use thereof.

Therefore, it is our opinion not only that clarifying the situation would in no way hurt anybody, but in many ways it would help,

and the way this bill reads, that it would not deceive or mislead the consumer or the general public.

I thank you.

The CHAIRMAN. Thank you, Mr. Scott.

Mr. CHAPMAN. Mr. Chairman.

The CHAIRMAN. Mr. Chapman.

Mr. CHAPMAN. I was not in here when you started, but I was much interested in the last part of your statement, and I bear witness to the fact that your bread is good bread, and is widely consumed in the State of Kentucky.

Mr. SCOTT. Thank you.

Mr. CHAPMAN. I have before me here Food Distribution Order No. 1, as amended January 13 and January 25, 1943, issued by the Food Distribution Administration of the Department of Agriculture. You are familiar with that, I am sure.

Mr. SCOTT. Yes, sir.

Mr. CHAPMAN. And I notice in there—this is in the order part “all white bread”—it goes on to define white bread and how it should be made, and I notice the Department of Agriculture has a requirement as to the use of either milk solids or skim milk solids. That is correct, is it not?

Mr. SCOTT. Yes, sir.

Mr. CHAPMAN. Given in alternative.

Mr. SCOTT. Yes, sir.

Mr. CHAPMAN. The language is:

All white bread shall be enriched, shall contain not less than 3 parts nor more than 4 parts of solids of milk or skim milk to 100 parts of flour, and shall contain not more than 2 parts of shortening and not more than 4 parts of sugar or other related fermentable carbohydrate solids.

But, it is specified in there that either milk solids or skim milk solids shall be used. That is correct, is it not?

Mr. SCOTT. Yes, sir.

Mr. CHAPMAN. You do use skim milk solids in yours, do you?

Mr. SCOTT. Yes, sir.

Mr. CHAPMAN. People still eat it?

Mr. SCOTT. Yes, sir.

Mr. CHAPMAN. You have not had any falling off of sales on account of putting that in there?

Mr. SCOTT. No, sir.

Mr. CHAPMAN. Thank you.

The CHAIRMAN. What term do you use in your advertisements?

Mr. SCOTT. We do not advertise in regard to the milk.

Mr. CHAPMAN. But you label it?

Mr. SCOTT. We label it and put on the label, in accordance with the requirements of the law.

The CHAIRMAN. Those are the terms which you use?

Mr. SCOTT. Dried skim milk.

Mr. CHAPMAN. And we still eat your bread and like it.

The CHAIRMAN. You use just the one term, do you?

Mr. SCOTT. Yes, sir.

Mr. HALLECK. Your idea is if you had some other term like say “defatted milk solids” instead of “dry skim milk,” people would be attracted to your product more quickly than they are at the present time?

Mr. SCOTT. That is my opinion.

The CHAIRMAN. We thank you, Mr. Scott.

Mr. SCOTT. Thank you.

**STATEMENT OF C. F. STROEHMANN, HARRISBURG, PA., PRESIDENT,  
STROEHMANN BROS. BAKING CO.**

The CHAIRMAN. Mr. Stroehmann.

Mr. STROEHMANN. Mr. Chairman and gentlemen of the committee, my name is Carl F. Stroehmann. I am president of the Stroehmann Bros. bakeries. We operate six bakeries.

Mr. CHAPMAN. Where, Mr. Stroehmann; where are they located?

Mr. STROEHMANN. I am coming to that.

Mr. CHAPMAN. Excuse me.

Mr. STROEHMANN. We operate one cake, pie, cookie, and doughnut bakery in Williamsport, Pa.; we operate one bread and rolls bakery in Williamsport, Pa.; we operate another bread and rolls bakery in Harrisburg, Pa.; another one in Norristown, Pa.; in Altoona, Pa.; and in Olean, N. Y.

We believe that the dry milk solids we add to these products does much for the palatability and nutrition of the same. We favor the passage of H. R. 149, because, in spite of the excellence of the product now officially designated as dry skim milk, the use of the term "skim" has a deterrent to sales.

We believe it is an improper name, because it misleads the consumer into believing that it is an inferior product, normally associated with refuse. We hesitate to engage in that type of advertising which prominently identifies the excellent ingredients we use, because we are compelled to then admit that our product contains skim milk, an ingredient that the consumer would associate with an inferior product.

Bakery products containing dry milk are definitely superior to the same products made without milk, yet the average consumer would accept the product without any milk in preference to those labeled with the use of dry skim milk, because of the prejudice against the name "skim" and they would, therefore, be deceived into accepting a poorer product.

We believe it in the interest, public interest, to pass H. R. 149 so that the consumer may know accurately what kind of milk we use—namely, we use the same kind of milk that is now used by the Government in bakery products for the soldiers. Now the public believes the product to be made from a very poor ingredient.

The CHAIRMAN. We thank you.

Mr. CHAPMAN. Mr. Chairman.

The CHAIRMAN. Mr. Chapman.

Mr. CHAPMAN. Mr. Stroehmann, how do you arrive at the conclusion that the public would rather have your bread containing no milk at all than to have your bread with dry skim milk in it?

Mr. STROEHMANN. It is our opinion that if we were to advertise it—in other words, if we were to advertise we used dry skim milk—you do not have anything to hang your hat on if you do want to go out and advertise to the public and tell them how good your bread really is. You are putting dry skim milk in it and most people—even I have had the impression from childhood on—that skim milk just was not good,



that it just did not have the things in it that would tend to give you food value.

Mr. CHAPMAN. If you did not put any kind of milk in it at all, then would you advertise it?

Mr. STROEHMANN. Well, you just advertise good bread and by putting in more sugar you could make the bread very palatable. There is perhaps 50 percent or more of the bread that is manufactured today manufactured without milk.

Mr. CHAPMAN. If it would attract the public better and you could sell more of it with no milk at all, than you can with dry skim milk, then why do you put dry skim milk in and place that on your label?

Mr. STROEHMANN. Because we feel that we are giving the public more food value.

Mr. CHAPMAN. How long have you been making this bread?

Mr. STROEHMANN. We do not label our bread. We do not have a law forcing us to do it at this time.

Mr. CHAPMAN. You are not engaged in interstate commerce at all?

Mr. STROEHMANN. That is right.

Mr. CHAPMAN. You are not affected, then?

Mr. STROEHMANN. We are in interstate, but we are not forced yet to label, because they have not come to any definite decision as to exactly how white bread and other bread should be labeled, and the State of Pennsylvania does not have a law at the moment.

Mr. CHAPMAN. And you are not affected by the Food, Drugs, and Cosmetics Act?

Mr. STROEHMANN. Not at the moment, from a labeling standpoint. We will be when the labeling law goes into effect.

The CHAIRMAN. We thank you, Mr. Stroehmann.

Mr. STROEHMANN. Thank you.

#### STATEMENT OF WILLIAM F. GOSSADGE, LOUISVILLE, KY., SUPER-INTENDENT, GROCERS BAKING CO.

The CHAIRMAN. Mr. William F. Gossadge, of Louisville, Ky. Mr. Gossadge is past president of the American Society of Bakery Engineers.

Mr. GOSSADGE. Mr. Chairman and gentlemen of the committee, my name is William F. Gossadge, Louisville, Ky. I am superintendent of the Grocers Baking Co. Mr. Scott, the previous witness who has testified is president of our company.

During the past 20 years or more I have been actively engaged in the baking industry as a worker and a supervisor of production.

It has been my privilege to work with concerns which realize the value of milk products and it has been my privilege to work with those who realize that quality counts; also to work with those who realize that by eliminating some milk solids they might cheapen their products. It has been my observation that the addition of milk solids, not fat, greatly enhances the quality of bread from a toasting quality and from a nutritional standpoint.

Mr. Chapman voiced the opinion that the common name for the product we use and call powdered milk solids, not fats, the common conception is skim milk. I would like to take issue with him. The

average housewife visualizes skim milk as a product that was described here this morning as having been made through unsanitary and un-uniform conditions. The product we use is not made under those conditions. It is not one and the same product.

The housewife does not appreciate the product we use. She does not understand it. Very few housewives have seen this product.

I voice that statement, because our company operates seven plants, and in most of those plants we have a hostess house as an advertising feature. In this hostess house we entertain groups of ladies, homemakers, housewives, and various ladies' clubs. We conduct those ladies through our establishment and we are quite proud of the ingredients we use. We have those displayed, and invariably when they come to a container labeled powdered skim milk, they begin questioning skim milk. When we called it powdered milk solids, not fat, there was no question. In fact, we had a negative reaction, many times, where we told them we used skim milk. They visualized the product they had been accustomed to thinking of at the farm houses.

So, gentleman, I am heartily in favor of changing this name, passing this H. R. 149. I believe the consumer will be served, and I believe it will hurt no one.

The CHAIRMAN. Thank you, Mr. Gossadge.

Mr. CHAPMAN. Mr. Gossadge, has there been any diminution in the distribution of your bread since the order in question was promulgated on July 6, 1940?

Mr. GOSSADGE. We formerly labeled our bread with the phrase "milk solids not fat." We changed it in accordance with the law.

Mr. CHAPMAN. Yes.

Mr. GOSSADGE. Now, whether our business has increased or decreased, could not be ascertained as a result of a change in the label, because the order did not have a great bearing upon that.

Mr. CHAPMAN. But you are still selling your bread.

Mr. GOSSADGE. We are still selling bread. We would still be selling bread if it had no milk in it at all.

Mr. CHAPMAN. That is right.

The CHAIRMAN. Thank you.

#### STATEMENT OF LAWRENCE W. FORSTER, CHICAGO, ILL.

The CHAIRMAN. Mr. Forster.

Mr. FORSTER. Mr. Chairman and members of the committee: My name is Lawrence W. Forster, of the firm of Furlman & Forster, Chicago. We are meat processors and sausage manufacturers.

As sausage manufacturers we are in favor of the passage of H. R. 149, because if the present false knowledge is applied to powdered milk is changed, its use in the manufacture of meat food products can be properly and rightly promoted and products containing milk powder can be advertised for the additional food values that they contain.

Dried milk solids is placed in the same category as grain and vegetable flours, which are used primarily as fillers. The rules governing its use were set up to prevent adulterants, and sausage must be labeled indicating that it contains dried skim milk.

In the mind of the average person the word "skim" implies something of no value or waste matter and many folks still think that

skim milk is hog or calf feed on the farm. Obviously its use in sausage would be detrimental and you can readily see the comparison that is drawn there.

Milk powder is shown in the list of contents the same as cornflour, potato flour, soybean flour and so on. The Department of Agriculture does not permit any more than a total of  $3\frac{1}{2}$  pounds per hundred pounds of meat, combined, of either cereal or milk products, so it is the inference there that milk powder is an adulterant. Contrary to these implications, milk powder is a food that contains proteins, minerals, and vitamins, in their natural states, and consequently its use in meat products and sausage improves the quality and enhances the nutritive value.

The artificial addition of vitamins and minerals to foodstuffs such as breakfast cereals is given prominence in advertising and is readily accepted by the consumer. A meat product containing milk powder has proteins, minerals, and vitamins in far greater abundance. But it is impractical for a manufacturer to boast about his use of dried skim milk, because knowledge of its presence builds up sales resistance rather than sales acceptance.

As a sausage manufacturer we would like to see the adoption of H. R. 149.

Mr. HALLECK. Did you use dried milk products before the Pure Food and Drugs definition was set up?

Mr. FORSTER. What was the time of setting it up; in 1940?

Mr. HALLECK. No; it was earlier than that. This definition—I do not know when it was established.

What I specifically wanted to inquire of you about was the name that you applied to the product; what name did you put on it in connection with your sausage and have it stand for something added rather than something taken away?

Mr. FORSTER. It has to be stamped or labeled dried skim milk added, or dried skim milk powder added.

Mr. HALLECK. Now, if I understood the gentlemen who testified just before you, they have used this product and they called it dried milk solids, no-fat. Would that be a satisfactory definition from your standpoint?

Mr. FORSTER. If we were permitted to use that in advertising?

Mr. HALLECK. Yes.

Mr. FORSTER. Yes; it would be. It would not have the inference of a waste material or an adulterant used in its manufacture.

The CHAIRMAN. You were through, were you, Mr. Halleck?

Mr. HALLECK. Yes.

The CHAIRMAN. Do you have anything further?

Mr. FORSTER. No, sir. Thank you.

The CHAIRMAN. Thank you.

#### STATEMENT OF ROBERT E. JONES, SAN FRANCISCO, CALIF.

The CHAIRMAN. Mr. Jones.

Mr. JONES. Mr. Chairman and gentlemen of the committee: My name is Robert E. Jones, 500 Sansome Street, San Francisco, Calif., editor-publisher, the Pacific Dairy Review and here representing the American Dry Milk Institute.

I first want to offer you the Century Dictionary definition of skim milk, which is a little different from that of Funk & Wagnalls' definition. It says:

Skim milk. Milk from which the cream has been skimmed; hence, figuratively, that which lacks substantial quality, as richness or strength; thinness; inferiority.

Then I would like to read you a number of recent instances——

Mr. CHAPMAN. Mr. Jones, do you know the date of the publication of that dictionary?

Mr. JONES. I cannot tell you, Mr. Chapman, but it is the one currently used in the Congressional Library.

Mr. CHAPMAN. What is the name of your publication?

Mr. JONES. The Pacific Dairy Review, a magazine of the manufacturer and producer in dairying.

The term "milk solids," as a fair one for the product which is the subject of this bill, has been used by authorities in a number of instances recently. Some of the instances are in official documents of the Federal Government. The arrangement of the words has not always been exactly the same. The instances are as follows:

Federal Register, December 31, 1942, page 11106, paragraph 9 of Food Distribution Order No. 1:

(9) All white bread shall be enriched, shall contain not less than 3 parts nor more than 4 parts of milk solids to 100 parts of flour.

Mr. CHAPMAN. Will you read that again, please, so I may compare it with my own copy?

Mr. JONES. Yes, sir. [Reading:]

All white bread shall be enriched, shall contain not less than 3 parts nor more than 4 parts of milk solids to 100 parts of flour.

Mr. CHAPMAN. What is the date of that?

Mr. JONES. That is December 31, 1942.

Mr. JONES. That is December 31, 1942.

Mr. JONES. Yes, sir.

Mr. CHAPMAN. Well, the later one is the one I read.

Mr. JONES. Yes, sir.

Mr. CHAPMAN. January 13 and January 25, which says not less than 3 parts nor more than 4 parts of solids of milk or skim milk.

Mr. JONES. Yes, sir. That is an amendment later on.

Food Distribution Order No. 8—frozen dairy foods and mix——

Mr. CHAPMAN. Excuse me, Mr. Jones. That means this; that means that you can use in this bread under these specifications, white bread, you can use not less than 3 parts nor more than 4 parts and it says solids of milk or skim milk. That means solids of whole milk, or solids of skim milk. That is correct, is it not?

Mr. JONES. Well, I think that is what it is intended to mean, Mr. Chapman, but I do——

Mr. CHAPMAN. That is what I thought, but I just wanted to get your interpretation.

Mr. JONES. I do not think it says that. It means solids of——

Mr. CHAPMAN. Whole milk or skim milk.

Mr. JONES. Yes, sir; probably intended to mean that.

Mr. CHAPMAN. Choose either you wish.



Mr. JONES. Yes. Then Food Distribution Order, No. 8—Frozen Dairy Foods and Mix. That is the ice-cream order.

The milk solids-not-fat (sometimes referred to as serum solids) content of ice cream.

That is the case where the words "solids not fat" is used to describe the commodity we are talking about. "Serum solids" is the term which has had some use among ice-cream makers in the past; but the term used in this order is "milk solids-not-fat." That is in the ice-cream order and that stands today. That was not amended, as I understand it.

The Country Gentleman magazine for February 1943, page 26, reports as follows:

Dr. T. G. Stitts, of the Agricultural Marketing Administration, says that the United States armed forces and the lend-lease requirements of our allies will, in 1943, take 70 percent of our whole milk powder output in this country, plus 60 percent of the Cheddar cheese, 45 percent of dry milk solids, 40 percent of the evaporated milk, and 15 percent of the butter.

Now, Mr. Chairman, I have exhibits to go with these statements, so that you may have a record of their substantiation.

McCall's magazine of March 1943—article on "How About Using Dry Milk?" by Dr. E. V. McCollum, Ph. D., Sc. D., contains this statement:

Dry skim milk (or, more accurately, "Dry Milk Solids").

Article in Glass Lining, publication of the Pfaudler Co. of Rochester, N. Y., written by William Gordon, editor, Dairy Record, beginning on page 5 and continuing to page 17:

To be sure, one of the great impediments to the recognition of the value of milk solids-not-fat is the term "skim milk." Its connotation is an ugly one in the minds of most consumers.

Summary of remarks of Dr. Morris Fishbein, American Medical Association, as reported in "Proceedings of National Nutrition Conference for Defense"—called by President Roosevelt, May 26-28, 1941, page 106:

Dr. Fishbein pointed out the difficulty in educating people to eat new cheap foods of high nutritive value when you call them by such unattractive names as skim milk \* \* \*."

Mr. Chairman and gentleman, I have also a list of publications to file for the record here in which the term "dry milk solids" is used to describe the product dealt with in this bill, H. R. 149.

They are:

1. Bleaching Agents versus Potassium Bromate in Baking with Dry Milk Solids. (Meade C. Harris and E. G. Bayfield, Kansas State College, Manhattan, Kans.)

2. Density of Dry Milk Solids. (Olof E. Stamberg and C. H. Bailey, Division of Agricultural Biochemistry, University of Minnesota, St. Paul, Minn.)

3. A Study by the Paired Feeding Method of the Nutritive Value of Bread Made with Milk Solids. (B. W. Fairbanks, Division of Animal Nutrition, University of Illinois, Urbana, Ill.)

4. Chemical Factors Affecting the Baking Quality of Dry Milk Solids. I. Correlation pH and Baking Score. (U. S. Ashwerth, N. S. Golding, G. H. Farrah, and D. D. Miller, Division of Dairy Husbandry, Agricultural Experiment Station, Pullman, Wash.)

5. The Influence of Lactose on Calcium Retention in Children. (Rosalind Mills, Herta Breiter, Elizabeth Kempster, Beula McKey, Marjorie Pickens, and

Julia Outhouse, Department of Home Economics, College of Agriculture, University of Illinois, Urbana, Ill.)

6. Dry Milk Solids for Cake Baking. (Olof E. Stamberg and C. H. Bailey, division of agricultural biochemistry, University of Minnesota, St. Paul, Minn.)

7. Chemical Factors Affecting the Baking Quality of Dry Milk Solids. II. The Effect of Milk on Gluten Fractionation. (U. S. Ashworth and Herbert A. Harland, division of dairy husbandry, Agricultural Experiment Station, Pullman, Wash.)

8. The Effect of Milk on the Bromate Requirements of Flour. (C. W. Ofelt and R. K. Larmour, Kansas State College, Manhattan, Kans.)

9. The Manufacture of Cultured Buttermilk from Dry Milk Solids. (E. E. Aldredge and A. D. Burke, Alabama Polytechnic Institute.)

10. Dry Milk Solids (Not over 1½ percent fat) in Ice Cream. (Dr. C. D. Dahle, Pennsylvania State College.)

And, Mr. Chairman, and gentlemen, I also wish to file a long list of endorsements of this bill, some of them for general agricultural associations, some from university professors and public officials; some from publications, and newspapers, magazines in the industry, and newspapers in general circulation; some of them consumer associations and consumers, and a great many from manufacturers of dairy products and manufacturers of bread.

Some of these may possibly, Mr. Chairman, duplicate a few of the names that appeared in the record of the last hearing, but I think most of them are new.

I would like to say in closing, that I do not know of anyone in the dairy industry, production or manufacturing, that opposes this bill.

The CHAIRMAN. As I understand, you are simply asking that a list of names go in, without quoting what they said?

Mr. JONES. We have letters that we will be glad to file, Mr. Chairman, but we understand that a great many of these letters have reached the committee and committee members and for the sake of the record we ask only to publish a list of endorsements rather than fill the record with text of all of the endorsements.

The CHAIRMAN. Very well.

Mr. JONES. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Jones.

(The endorsements above referred to are as follows:)

#### ENDORSEMENTS OF H. R. 7002, SEVENTY-SEVENTH CONGRESS, AND H. R. 149, SEVENTY-EIGHTH CONGRESS

##### General agricultural associations and dairy associations:

Alabama Dairy Products Association, Birmingham, Ala.

American Dairy Association of Indiana, Indianapolis, Ind.

California Dairy Council, San Francisco.

Georgia Dairy Association.

Indiana Farm Bureau, Inc., Indianapolis, Ind.

Indiana Manufacturers of Dairy Products.

Indiana Milk and Cream Improvement Association, Indianapolis, Ind.

Indiana Milk Control Board, Indianapolis, Ind.

Kentucky Farm Bureau Federation, St. Matthews, Ky.

Minnesota Creamery Operators' and Manufacturers' Association, Minneapolis, Minn.

Minnesota Farm Bureau Federation, St. Paul, Minn.

National Association of Local Creameries, St. Paul, Minn.

North Carolina Dairy Products Association.

President, National Dairy Council, Chicago, Ill.

##### Educators and public officials:

Abbott, Ouida Davis, head, department of home economics research, University of Florida.

Combs, W. B., professor of dairy husbandry, University of Minnesota.

Elhington, E. V., vice dean, College of Agriculture, State College of Washington.

Fairbanks, B. W., division of animal husbandry, University of Illinois.

Henderson, H. B., head, dairy department, University of Georgia.

Iverson, C. A., head, department of dairy industry, Iowa State College.

Leverson, Ruth M., department of home economics, University of Nebraska.

Nelson, P. Mabel, department of foods and nutrition, Iowa State College.

Pfeifer, E., Wisconsin State Department of Agriculture, Madison, Wis.

Roadhouse, C. L., professor of dairy industry, University of California, Davis.

Roberts, Lydia J., chairman, department of home economics, University of Chicago.

Renner, Kenneth M., head, department of dairy manufacturers, Texas Technological College.

Scott, W. Kerr, commissioner of agriculture, North Carolina Department of Agriculture.

Schrieker, Henry F., Governor, State of Indiana.

Shepardson, Charles N., head, department of dairy husbandry, Texas Agricultural and Mechanical College.

Steggerda, F. R., department of physiology, University of Illinois.

Swanton, Milo, Wisconsin Council of Agriculture, Madison, Wis.

Townsend, M. C., Food Distribution Administration, Washington, D. C.

Trovatten, R. A., commissioner, department of agriculture, dairy, and food, St. Paul, Minn.

#### Publications:

The Arcata Union, Arcata, Calif.

The American Journal of Public Health.

Capper Publications, Inc., Topeka, Kans.

Capper-Harmon-Slocum, Cleveland, Ohio.

The Dairy Record, St. Paul, Minn.

The Examiner, Los Angeles, Calif.

The Farmer, St. Paul, Minn.

The Farm Journal and Farmer's Wife, Philadelphia, Pa.

The Ferndale Enterprise, Ferndale, Calif.

The Fresno Bee, Fresno, Calif.

The Humboldt Times, Eureka, Calif.

The Michigan Farmer, Detroit, Mich.

Milk Plant Monthly, Chicago, Ill.

The Modesto Bee, Modesto, Calif.

Northwest Farm News.

The Oakland Tribune, Oakland, Calif.

The Pacific Dairy Review, San Francisco, Calif.

The Pacific Rural Press.

The Pennsylvania Farmer, Harrisburg, Pa.

The Phoenix Gazette, Phoenix, Ariz.

The Press Democrat, Santa Rosa, Calif.

The Sacramento Bee, Sacramento, Calif.

San Francisco Examiner, San Francisco, Calif.

Southern Dairy Products Journal.

The Times, Eureka, Calif.

#### Consumer associations and consumers:

American Bakers Association, Chicago, Ill.

American Bakeries Co., Atlanta, Ga.

American Bread Co.

American Institute of Baking, New York, N. Y.

American Medical Association.

Atlanta Association of Better Restaurants, Atlanta, Ga.

Braun Baking Co., Pittsburgh, Pa.

Capital Bakers, Inc., Harrisburg, Pa.

Cobb's Sunlit Bakery, Green Bay, Wis.

Columbia Baking Co., Atlanta, Ga.

Cos Cob Parent-Teacher Association, Cos Cob, Conn.

Frances F. Freeman (Mrs. W. R.), Indianapolis, Ind.

Mrs. M. R. Friend, 5000 East End Avenue, Chicago, Ill.

Georgia Bakers Council.

Georgia Hotel Association.

Grocers Baking Co., Lexington, Ky.  
 Meta Given, Home Economics Specialists, Chicago, Ill.  
 Illinois Federation of Women's Clubs, American Home Department.  
 International Association of Ice Cream Manufacturers, Washington, D. C.  
 Interstate Bakeries Corporation.  
 Illinois Federation of Women's Clubs, Park Ridge School for Girls, Polo, Ill.  
 Virgil W. Jorgensen, Laurel Brook Farm, Sonoma, Calif.  
 Junge Baking Company, Joplin, Mo.  
 Langendorf United Bakeries, Inc., San Francisco, Calif.  
 The W. E. Long Co., Chicago, Ill.  
 Markwardt's Quality Bakery, Joplin, Mo.  
 Nashville Chamber of Commerce, Nashville, Tenn.  
 National Cotton Council of America, Fort Worth, Tex.  
 New England Bakers Association, Boston, Mass.  
 New Harmony project, Indiana Commission.  
 Newman Chamber of Commerce, Newman, Calif.  
 Pennsylvania Bakers Association, Philadelphia, Pa.  
 P. S. Peterson Baking Co., Omaha, Nebr.  
 C. R. Phillips, president, La Salle National Bank, Chicago, Ill., dairyman.  
 Quality Bakers of America, New York, N. Y.  
 Railway Business Association, Chicago, Ill.  
 Southern Association of Ice Cream Manufacturers, Nashville, Tenn.  
 Southern States Industrial Council, Nashville, Tenn.  
 Southern Wholesale Confectioners Association, Inc.  
 Sweetheart Bakeries, Mexico, Mo.

#### Manufacturers:

Abbotts Dairies, Inc., Cameron, Wis.  
 Armour Creameries, Louisville, Ky.  
 Barron Cooperative Creamery, Barron, Wis.  
 Beatrice Creamery Co., Snow & Palmer Division, Bloomington, Ill.  
 Bowman Dairy Co., Chicago, Ill.  
 Brooklawn Creamery Co., Salt Lake City, Utah.  
 Chestnut Farms-Chevy Chase Dairy, Washington, D. C.  
 Consolidated Dairy Products Co., Seattle, Wash.  
 Chautauqua Malted Milk Co., Mayville, N. Y.  
 Dairymen's Cooperative Creamery of Boise Valley, Caldwell, Idaho.  
 Des Moines Cooperative Dairy, Des Moines, Iowa.  
 Dried Milk Products Cooperative, Eau Claire, Wis.  
 Dry Milk Producers' Sales Agency, Chicago, Ill.  
 Oscar Ewing, Inc., Louisville, Ky.  
 Ewing-Von Allmen Dairy Co., Louisville, Ky.  
 Grand Ledge Milk Co., Grand Ledge, Mich.  
 Golden Valley Creamery, Newman, Calif.  
 Hershey Creamery Co., Harrisburg, Pa.  
 Ladysmith Milk Producers' Cooperative Association, Ladysmith, Wis.  
 Land O'Lakes Creameries, Inc., Minneapolis, Minn.  
 Lansing Dairy Co., Lansing, Mich.  
 Milk Producers Association of Central California, Modesto, Calif.  
 Murray Milk Products Co., Murray, Ky.  
 Pabst Farms, Oconomowoc, Wis.  
 Page Milk Co., Shelbyville, Ind.  
 Pearl Creamery Co., Pullman, Mich.  
 Frank Pilley & Sons, Inc., Sioux City, Iowa.  
 Richland Cooperative Creamery Co., Inc., Richland Center, Wis.  
 Rochester Dairy Cooperative, Rochester, Minn.  
 Skagit County Dairyman's Association, Burlington, Wash.  
 Sunnyland Dairy Products Co., Ruston, La.  
 Sunshine Farms, Inc., Lafayette, Ind.  
 Supplee-Wills-Jones Milk Co., Philadelphia, Pa.  
 Twin City Milk Producers Association, St. Paul, Minn.  
 Twin Ports Co-op Dairy Association, Inc., Superior, Wis.  
 Twin Ports Cooperative Dairy Association, Inc., Superior, Wis.  
 Tennessee Dairies, Inc., Dallas, Tex.  
 Upper Snake River Valley Dairyman's Association, Idaho Falls, Idaho.  
 Verifine Dairy Products Co., Sheboygan, Wis.  
 Weber Central Dairy Association, Inc., Ogden, Utah.  
 Whatcom County Dairyman's Association, Bellingham, Wash.



## DR. RUSSELL M. WILDER

The CHAIRMAN. Dr. Russell M. Wilder, Chief, Civilian Food Requirements Branch, Food Distribution Administration, United States Department of Agriculture (on leave from Mayo Clinic, Rochester, Minn.); member of Council of Foods, American Medical Association, and of the National Research Council's committee on food and nutrition was to be a witness, but could not be here this afternoon. I will read a portion of a brief letter he has written.

It has long been my opinion that use of the common name "skim" or "skimmed" milk for the residue of milk remaining after removal of most of the fat by centrifugation is misleading and for this reason objectionable. Actually the practice of skimming milk has been almost wholly replaced by use of separators.

The connotation of the word "skim" is to remove the major part of the value of a product, whereas in the case of milk the part that remains after separation of the fat greatly exceeds in nutritive value the part that is removed.

The evidence is clear that the proteins of milk which remain after removal of the fat are among the most valuable proteins known, possessing as they do certain amino acids essential to life but found in comparable amounts in very few other protein foods.

The evidence is also clear that the nonfat solids of milk represent the best food source of the vitamin riboflavin and the mineral calcium. These two nutrients are found in comparable amounts in few other foods.

Inasmuch as many American diets are deficient in respect to the nutrients provided by the nonfat solids of milk and whereas consumer acceptance of these milk solids is impeded by reference to them as skim-milk solids, it is clearly in the interest of the public health to permit the use of an alternate name which will more accurately and more truthfully describe them.

Yours very truly,

RUSSELL M. WILDER, M. D.,  
*Chief, Civilian Food Requirements Branch.*

Now, I have two or three letters that I might read a portion of for the record. One is from the American Dry Milk Institute, Chicago.

AMERICAN DRY MILK INSTITUTE, INC.,  
*Chicago, July 9, 1942.*

HON. CLARENCE F. LEA,  
*Washington, D. C.*

DEAR MR. LEA: Your important Interstate and Foreign Commerce Committee has the opportunity of making marketable the largest part of milk production, now left on farms.

Fat is not the only important part of milk. Two-thirds of the food constituents of milk are in the form of calcium and other minerals, proteins, milk sugar, and the water-soluble vitamins. These solids must not be confused with the product described on page two of United States Department of Agriculture Farmers' Bulletin 876: "Frequently soured milk, undesirable either for household use or calf feeding." Production of skim-milk by this ancient method does not apply and has no counterpart in present day methods of extracting dry milk solids. At no time, from the milking of the cow to the packaging of the final product, does it undergo a skimming, or anything like a skimming process. Removing fat and water by mechanical means, from fresh sweet milk, leaves the remaining two-thirds of the food in natural proportion and balance.

Defatted milk solids is a milk product—a food substance—not a milk.

It isn't so much a question of increasing production. The milk is produced; it is left on our farms. Farmers will not bring it to processing plants; processors will not attempt to bring it to consumers, until it can be offered under an honest name, acceptable to the consumer for what it really is: An essential food product, supplying nutrients vitally needed but lacking in our diets. More defatted milk solids are left on farms than are marketed in the form of fluid milk and cream in this country.

Your committee recognizes, we know, that ammunition and products of war represent only part of the picture. Food is the third dimension: Food for our fighting men; food for those who back them up; food for the generation coming

up; food for the united nations, whose depleted sources of human food and animal feed offer an increasingly critical and challenging need which must be satisfied.

Is there any problem so challenging, yet so early solved by you as the one which asks only an honest, accurate name for the unmarketed milk minerals, milk proteins, milk sugar, and vitamins? Your interest, your earnest consideration, your recognition of this great need, is urged by these many thousands of farmers and their processing units not only for their benefit, but more especially for the benefit of consumers of this and succeeding generations.

Sincerely yours,

ROUD McCANN, *Director.*

Then, I have a letter, which I will put in the record, from the Wisconsin Dry Milk Producers' Cooperative.  
(The letter referred to is as follows.)

DRIED MILK PRODUCTS COOPERATIVE.

*Eau Claire, Wis.*

HON. CLARENCE F. LEA,

*Chairman, Foreign and Domestic Commerce Committee,*

*House of Representatives, Washington, D. C.*

DEAR SIR: The organization wants to reaffirm its unqualified endorsement and support of efforts to remove the stigma of the word "skim" or "skim milk" as applied to the nonfat solids of milk and urge passage of H. R. 7002.

More than 18,900 dairy farmers represented in the 65 plants comprising the membership of this cooperative are vitally interested. For years prior to the development of the dry-milk business they have had a market for only one-third of the food value of their milk, in the form of milk fat. During the past year about 15,000,000 pounds of the valuable milk proteins, minerals, lactose, and vitamins have been marketed in the form of dry-milk solids, most all of it going to the Government for lend-lease needs. This volume is increasing and we are proud of our part in helping to supply such highly essential food for our less fortunate allies.

We are not proud, however, of labeling this wholesome product "dry skim milk" as now required. Some day, when the war is over, domestic markets must be developed for all the production now going abroad and that name is too much of a handicap to hope for much success. How can a fine food be popularized under a name which means "hog feed" on the farm? Why deceive the consumer by such labeling? The British avoid this by changing the name over there. Food industries in this country are even more conscious of the need to do so.

Formally and informally we have gone on record in recent years favoring a more accurate terminology, for the benefit of both producer and consumer. We now urge your support of present measures to legally define "dry milk solids" or "defatted milk solids," as butter was defined years ago.

Very truly yours,

DRIED MILK PRODUCTS COOPERATIVE,

GARRY CARTER, *President.*

A. R. WILKINS, *Secretary.*

F. B. LUNI, *Manager.*

The CHAIRMAN. Now then, this morning Miss Edna Van Horn was here, hoping to be called, but she left this statement, which I will read.

WASHINGTON, D. C., March 13, 1943.

HON. CLARENCE F. LEA,

*Chairman Committee on Interstate and Foreign Commerce.*

*House of Representatives, Washington, D. C.*

DEAR SIR: With regard to bill, H. R. 149, to permit the labeling of dry skim milk as dry milk solids, the undersigned representatives of national organizations, who last year studied bill H. R. 7002 before the Seventy-seventh Congress, have given careful consideration to this new proposal for establishing a legal name for dry skim milk that does not use the word "skim." The statement made on June 15, 1942, to you as chairman of the Committee on Interstate and Foreign Commerce, is an even better expression of our opinion on the need for accurate

identification of dry skim milk now after almost another year in which the general public has continued to increase its knowledge of the food value of skim milk. We wish to bring it to your attention again by quoting with changes indicated by parentheses to make its application to the bill now under consideration:

"We, the individuals listed below, have been officially appointed as member representatives of the organizations named for the purpose of working toward the continued and full protection of citizens provided under the Food, Drug, and Cosmetic Act. We wish to bring to the attention of the committee the danger that lurks in the bill (H. R. 149) which would permit the labeling of dry skim milk as dry milk solids.

"It is our carefully considered opinion that this kind of nomenclature will be misleading, and hence detrimental to the consumer purchaser of dry milk. All of the represented agencies have been interested in programs promoting the accurate identification of consumer products. The agencies represented that are engaged in nutrition education have for years been emphasizing the nutritional value of skim milk either dry or fluid. They would like to support a program to get more dried skim milk, identified as such, on the market at a price that many low-income families can pay. The fact that such a product has not been readily available in many localities for small-quantity purchasers has hampered educational work to make it much more popular and to increase the demand.

"In view of these facts, the undersigned representatives of five organizations urge the defeat of this bill for the reasons that: First, it will make possible the misrepresentation of a product to the buyer; second, it will tend to raise the price of dried skim milk, and therefore be detrimental to the program for improving the nutrition of low-income families; third, it will establish a dangerous precedent, opening the way for undermining one of the basic provisions of the Food, Drug, and Cosmetic Act, that of informative labeling."

Respectfully submitted.

ESTHER COLE FRANKLIN,  
*For American Association of University women.*  
 EDNA VAN HORN,  
*For American Home Economics Association.*  
 ALMA JANE SPEER, M. D.,<sup>1</sup>  
*For American Medical Women's Association.*  
 MRS. HARVEY W. WILEY,  
*For General Federation of Women's Clubs.*  
 MRS. LOUIS OTTENBERG,  
*For National Council of Jewish Women.*

Letter transmitted by Edna Van Horn.

If the witnesses will come back tomorrow morning at 10 o'clock we will try to start in promptly and we hope to get through in the morning.

The committee will stand adjourned until 10 o'clock tomorrow morning.

(Thereupon, at 4:10 p. m., the committee adjourned until 10 a. m., the following morning, Wednesday, March 17, 1943.)

<sup>1</sup> In place of Dr. Virginia P. Beeler in statement of June 15, 1942.





## NONFAT DRY MILK SOLIDS

WEDNESDAY, MARCH 17, 1943

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,  
*Washington, D. C.*

The committee met, pursuant to adjournment, at 10 a. m., in the committee room, New House Office Building, Hon. Clarence F. Lea (chairman) presiding.

The CHAIRMAN. The committee will come to order.

The proponents of this bill have handed me a brief statistical statement. I believe it is taken from the Statistical Flow Sheet, 1939, United States Department of Agriculture. Without objection it will be inserted in the record.

(The statement referred to is as follows:)

*Fundamental statistics, based on "Statistical Flow Sheet 1939" U. S. Department of Agriculture*

1. Total milk produced.....	111,384,000,000
2. 42.4 percent used for cream to be made into butter.....	47,000,000,000
3. 40.9 percent used as market milk and cream.....	45,000,000,000
4. Milk from which the fat has been removed.....	<sup>1</sup> 58,500,000,000
5. Amount of nonfat solids produced.....	408,000,000
6. Amount of milk from which fat has been removed which is left on farms and does not reach commercial markets or human food uses.....	<sup>2</sup> 48,445,000,000

<sup>1</sup> This amount comes from the milk for cream used for butter, for market cream, and for ice cream.

<sup>2</sup> This is 82% + of the milk from which the fat has been removed.

Ninety-seven percent of the fat of milk goes into human food.

Less than 8 percent of the milk from which the fat has been removed is converted into the dry state. The present figure for production of nonfat solids may sound high, but it is very low in comparison to total supply. We will not reach the final goal of food utilization until as high a percentage of the nonfat solids are used in human food as is the butterfat.

Less than one-half of 1 percent of the production of nonfat dry milk solids is sold to the housewife and this mostly for the use of cultured buttermilk.

The CHAIRMAN. Dr. Wilder is here this morning, and so we would like to hear from him at this time. Is that satisfactory to you, Dr. Reed?

Dr. REED. That is perfectly all right, Mr. Chairman.

The CHAIRMAN. We did not know that Dr. Wilder would be here. We are glad to have him.

**STATEMENT OF DR. RUSSELL MORSE WILDER, MEMBER OF THE  
STAFF OF MAYO CLINIC, CHIEF OF THE BRANCH OF CIVILIAN  
FOOD REQUIREMENTS, FOOD DISTRIBUTION ADMINISTRATION**

The CHAIRMAN. Dr. Wilder, will you give your full name and your position?

Dr. WILDER. My name is Russell Morse Wilder. I am on the staff of the Mayo Clinic as a physician, on leave at the present from Mayo Clinic and serving temporarily in the Food Distribution Administration as Chief of the Branch of Civilian Food Requirements.

I am a member of several organizations that are interested in the promotion of better nutritional conditions, among them, the food and nutrition board of the National Research Council, of which I was chairman for the first year of its existence. Do you care to have anything more, sir?

The CHAIRMAN. You may proceed in your own way, Doctor.

Dr. WILDER. I have been very much interested in this question of a name for so-called skim milk, which would be more descriptive of the nutritional value of the product. I have thought that this was of special importance since methods became available for preparing or for dehydrating the skim milk and thereby making the solids of the milk, the nonfat solids, available for direct consumption or for incorporation in other foods.

In my opinion—and I feel sure you will find this opinion is shared by nearly all nutritionists—the nonfat milk solids are of great importance, representing perhaps the most valuable form of protein food that there is and containing also one of the most important sources of riboflavin. Riboflavin is a vitamin which is not provided abundantly by other foods. Calcium, a mineral which is not provided abundantly by other foods also is supplied best by milk.

The main reason, however, for the value of nonfat solids in milk is because of their content of certain essential amino acids not found to a corresponding degree in many other foods.

There are many amino acids, as you have undoubtedly developed in this hearing. Some of them can be made in the body and therefore less essential. Others, about 11 of them, cannot be made or synthesized in the body, and therefore the body is dependent for supply of them on foods that contain them. Among these amino acids, these 11 that are known as essential amino acids is tryptophane, which is very high in milk; much higher for instance than it is in meat; very much higher than it is in wheat and very essential for the health of the organism; very important. I should say, instead of health—

Mr. O'HARA. Will you pardon me, Doctor?

Dr. WILDER. Certainly.

Mr. O'HARA. Are you speaking now of raw milk or are you speaking of so-called skim milk?

Dr. WILDER. I am speaking now of the nonfat solids in milk; the solids in so-called skim milk.

Another one of the important amino acids is lysine. In this factor also milk is quite high whereas the cereals proteins, proteins from wheat, for instance, or corn, are low in this factor. By using milk solids in bread for instance or in other mixtures of flour and

milk, one can complement the proteins, the inadequate proteins of the wheat, so that the total mass becomes a satisfactory protein for building human tissues; maintaining animal tissues.

I do not think I need belabor the importance of these nonfat milk solids. You probably are as familiar with that as I am.

The point of this hearing, as I understand it, is to consider whether the name "skim milk solids" which customarily has been applied to this product, is a satisfactory name. Opinions on that differ considerably.

I am here not representing the Food Distribution Administration. I am here representing myself as a citizen. I communicated with you, Mr. Chairman, last year on this subject.

I believe other nutritionists, among them, the very prominent Professor McCullum of Johns Hopkins, have expressed views similar to those I am expressing.

There is very wide agreement among nutritionists that the use of this word "skim" creates a resistance on the part of the public to the acceptance of this product. The word "skim" carries a connotation of something that has had the value removed from it.

Mr. O'HARA. It starts out with an inferiority complex, would you say, Doctor?

Dr. WILDER. Pardon me.

Mr. O'HARA. It starts it out with an inferiority complex?

Dr. WILDER. Starts milk out with a handicap; starts these dry milk solids out with a handicap, psychological handicap, which I think is most unfortunate.

We are anticipating that a large production of these dry milk solids will be needed. We need that product badly to supply the export requirements for lend-lease and for the foreign relief that we shall be engaged in. The Army is using large amounts of material of this type.

When the war is over we shall have these large plants for manufacturing these dry milk solids. Many of us hope that when the war is over we can have this product accepted by the public at large and sold in the grocery stores in packages. Experience has shown, however, that the public while accepting this so-called skim-milk product when they do not know that it is at present mixed with other foods, resist it when you try to sell it to them as skim-milk solids.

I see no purpose in obstinately setting up a psychological barrier to the accomplishing of better nutrition in this country. We all know that the nutritional status of the country as a whole is not as good as we would have liked to have had it, even during the period of surplus food production, that preceded the war. We are all very anxious to do all we can to improve that picture. We, therefore, would like to see this psychological barrier removed.

I would not like anything done that would weaken the Food, Drugs and Cosmetics Act. I am as vigorous in support of the security of that act as anyone can be. However, I do not feel myself that this does weaken that act. The act calls for the setting up by the Administrator of definitions and standards of identity which will promote honesty and fair dealing in the interest of the consumers. In setting such definitions up, he is supposed to use the usual names of food, but the act definitely provides the clause that he shall use that

usual names only insofar as it is practicable. My feeling is that it is impractical to use the name "skim milk"; impracticable from the standpoint of getting the wide use we want to have.

I also feel that that name is not perfectly honest and, therefore, the use of that name, "skim milk," I consider is not promoting honesty. The implication of the name is an untruth. The implication of the name is that you are trying to distribute something which is inferior, whereas, as a matter of fact, you are trying to distribute something that is nutritionally very superior.

Mr. O'HARA. Doctor, right there, does not the word "skim" have the implied meaning that everything that is good has been taken out?

Dr. WILDER. That is just the objection to it; yes, sir; that everything that is good has been taken out and the only thing that you have taken out is the fat, and the fat is good, of course, but you have left behind something that is even more difficult to get satisfactorily in your diet than fat is difficult to get, namely, these important proteins, these important acids, this vitamin and calcium.

I think myself that using the word "skim" under these circumstances is misleading, and I feel strongly that insistence on the use of that word is not in the interest of the public health. I think the public health would be promoted if we could find a better word for this product.

Mr. HARRIS. What is that better word, Doctor?

Dr. WILDER. A word which will not carry this connotation of inferiority.

Mr. HARRIS. Would you suggest, or do you have a word that would be fair; that would not be misleading, but yet would be satisfactory and serve?

Dr. WILDER. I have given some thought to that and I have a feeling that the words "nonfat milk solids" would be satisfactory; or "defatted milk solids" would be satisfactory.

Now, if you are purist, neither of those terms is correct, because, of course, you do not take all of the fat out of the milk. You do not completely defat this milk when you prepare these nonfat milk solids, but the only misleading feature of that would be on the side of safety. I mean, you are telling the public that they are getting milk that has not any fat and you are leaning over backward to tell them that it has not got any fat in it, but there still is a little fat. You cannot possibly take all of the fat out of the milk.

The term "dehydrated" is used regularly and I believe even officially in describing products from which the water is being removed for transportation purposes overseas.

Mr. O'HARA. Strictly speaking, that is not a fact, because you do not take all of the moisture out of it, do you?

Dr. WILDER. That is correct, and you do not take as much moisture out in dehydrating vegetables as you take fat out of skim milk.

Mr. O'HARA. I may say yesterday we ran into this problem in the matter of usage of the term "dehydrated." You have dehydrated whole milk with all the fats in it, and you have dehydrated milk so-called, defatted milk.

Dr. WILDER. That is right.

Now, as doctors—I am primarily a physician. That is my business. And it is common practice among physicians and pediatricians to prescribe a fat-free diet. We do not mean by that that every bit of the



fat is removed. We prescribe a diet which is made as free of fat as possible and we speak of it as a fat-free diet. We similarly talk about a salt-free diet regularly and it is not misleading. There is no misunderstanding about it on the part of the patient or anybody else. A salt-free diet is a diet made as free of salt as you can make it; that is, you add no extra salt in mixing and you choose vegetables and meat and things relatively low in salt and you commonly speak of it as a salt-free diet.

In the case of the so-called skim-milk solids, my feeling is that the words "nonfat" or "defatted" would not be misleading and the only objection you could take to it is the purest objection, which does not play any role in what you are trying to do, which is to protect the public from misleading statements that will be injurious to the public. If this statement is not 100-percent truthful, at least it is not or will not be injurious in any way to the public. You are leaning over backward in giving the public something more than they expect to receive when you call it "defatted."

Mr. O'HARA. Doctor, we in reality here are up against the purists and the technicians; is that not about the situation?

Dr. WILDER. Yes; and also I feel we are in war and at times like these we ought not to quibble about terms; that is, the degree of incomplete truthfulness in connection with this and I think it is very important for the future prosecution of the war and the future nutrition of this country, that we get this product widely distributed, and for that reason, as I say, speaking solely for Dr. Wilder—nobody else—appearing here only as a witness, as a citizen of the United States, I feel strongly in this matter and would like to see a change made in that name.

Mr. O'HARA. In so speaking, Doctor, you are speaking as to your own knowledge as a physician and a surgeon and as a nutritionist?

Dr. WILDER. That is correct. I am speaking from my experience.

Mr. O'HARA. And you are speaking in behalf of your own family that are nearest and dearest to you; is that not true? You would want your children protected and aided by any advance of science?

Dr. WILDER. Yes.

Mr. O'HARA. And in the scientific development of this dried milk in any possible use it could be put. Is that not right?

Dr. WILDER. You are quite right.

Mr. HARRIS. Mr. Chairman.

The CHAIRMAN. Mr. Harris.

Mr. HARRIS. Doctor, I would like to pursue that proposed name just a little further. I believe you said that perhaps a more correct name or suggestion would be "nonfat" or "defatted milk solids."

Dr. WILDER. That is correct.

Mr. HARRIS. Now, suppose, as is suggested by this proposed legislation here, the term "dried milk solids" or "defatted milk solids" were to be accepted, would that be a confusing term or would it be more or less misleading?

Dr. WILDER. I do not believe that "defatted milk solids" would be misleading at all, to anybody.

Mr. HARRIS. Well, now, how could you tell the difference then so far as the labels are concerned, or the terms, between whole milk solids and defatted milk solids?

Dr. WILDER. Well, you can call the whole milk solids, whole milk solids, and——

Mr. HARRIS. Dry milk solids?

Dr. WILDER. Or, you can call this defatted milk solids.

You would speak of whole milk solids, on the one hand, for the product which contains the fat as well as the other solids, and you could speak of defatted milk solids for the product that does not contain the fat.

Mr. HARRIS. I understand there is dry whole milk solids.

Dr. WILDER. Yes; there is.

Mr. HARRIS. And skim milk solids; is that right?

Dr. WILDER. That is right.

Mr. HARRIS. Dry whole milk solids, so far as the label is concerned, usually refers to the dry milk solids, does it not?

Dr. WILDER. Well, that is, technically; yes.

Mr. HARRIS. I know it is very technical, but you see if you use the same term to apply both to dry whole milk solids and what we call now skim milk solids, there would be no differentiation.

Dr. WILDER. Well, I am not proposing that. You can call a product that contains the fat dry milk solids, if you want to. This does not interfere with that. My proposal was that you call the other dry defatted milk solids.

Mr. HARRIS. I agree with you there. Then perhaps if the dry milk solids phrase here were to be eliminated, this bill would more nearly bespeak the actual facts with reference to what the particular commodity contains; is that right?

Dr. WILDER. Well, I am not sure that I quite understand.

Mr. HARRIS. You have read the legislation, have you not, the proposed legislation?

Dr. WILDER. I have.

Mr. HARRIS. It says "dry milk solids" or "defatted milk solids" is the product resulting from so and so.

Dr. WILDER. Well, I should not approve dry milk solids as applied to this product. That, I think, would be misleading. But, defatted milk solids.

Mr. HARRIS. That is the very point I wanted to bring out here, and the very thing that my mind has been somewhat confused on from the start.

Dr. WILDER. I think this statement is an unfortunate one in the language of the proposed act, because obviously the product we are talking about is not dry-milk solids. Dry-milk solids includes the fat. We are not talking about that at all. We are talking about a product that is defatted, and so I would say that is very wrong. If you permitted "dry-milk solids," you would be violating the intent and purpose of the Food, Drug, and Cosmetic Act.

Mr. HARRIS. In other words, if the term "dry-milk solids" were to be used it would be perhaps as much misleading as the present skim-milk solids; is that right?

Dr. WILDER. I entirely agree with you. I would not approve of that at all.

Mr. HARRIS. Now, I understand from some of the testimony that has been given before this committee that the psychological factor has something to do with the sale of this very valuable nutritious

product. Some, as I understand, contend that if you call it a defatted milk solid that it still will have that psychological effect that would hinder the sale to the consumers. What is your opinion with reference to that?

Dr. WILDER. Of course, you have no experience to go on there, because you have never called it defatted milk solids. I do not believe it would be anything like as bad as skim milk, which, in the minds of so many people, is hog feed. Defatted milk——

Mr. HARRIS. I would like to ask just one further question.

Dr. WILDER (continuing). Is something new to them, like dehydrated vegetables. I think the term "defatted milk" would be acceptable to most people. I know from my experience as a physician trying to persuade people to buy skim-milk solids, skim milk does not go. I have tried it too many times and found the patients whom I tried to get to use skim milk objected to it because of the statement "skim milk."

Mr. HARRIS. In other words, your suggestion is that a proper name be applied that will suggest absolutely as near as possible what the product is?

Dr. WILDER. That is all I want, sir; yes.

Mr. HARRIS. That is all.

Mr. PRIEST. Mr. Chairman.

The CHAIRMAN. Mr. Priest.

Mr. PRIEST. Just one question in line with the same thought. Is it not true that a great many people seek to find nutritive food that does not contain a large percentage of fat; seek the nutrition without the fat?

Dr. WILDER. Yes.

Mr. PRIEST. And the defatted would not necessarily be any factor that would influence consumers against it, because I think that that is my observation at least that a great percentage of people are seeking nutrition without the fat element. Is that generally true?

Dr. WILDER. I think you are quite right about that. There are a great many overweight people in this country, particularly among the women, and there are a great many of those people, particularly among the young girls, whom you like to have drink milk, but they all insist milk is fattening and they will not drink it, and if you ask them to drink skim milk, the idea of skim milk does not please them. If you told them that this was defatted I think that they would accept it better.

Mr. PRIEST. That is my opinion on that.

Mr. O'HARA. Doctor, I want to ask just a couple more questions.

The CHAIRMAN. Mr. O'Hara.

Mr. O'HARA. Doctor, do I understand from your testimony that while you are a physician and surgeon, that you have specialized in nutrition particularly?

Dr. WILDER. Yes; that is very true. My hobby ever since I have been in the practice of medicine has been in the chemical aspects of medicine; chemical change in the body; a field that is generally spoken of as metabolism, and in connection with that I have been more or less in charge, along with my other duties, of the nutritional work in the Mayo Clinic, for the last 20 years.

Mr. O'HARA. Just one other question. Dr. Wilder, is it your position or your feeling as I gather from your testimony, that the food

value of the nonfat milk solids has been very little understood by the public generally?

Dr. WILDER. Yes; that is my feeling. I feel they have not appreciated the importance of the food value of the nonfat solids in milk.

Mr. O'HARA. And you further feel that the terming of it as skim milk solids has been a deterrent of getting this dried milk—dehydrated and defatted milk—used by the public as much as it probably should be?

Dr. WILDER. I not only feel so; but I know it to be a fact, based on my experience in the treatment of patients.

Mr. O'HARA. And by what they have actually told you after their reactions to it?

Dr. WILDER. By what their reactions to it have been; yes, sir.

Mr. O'HARA. And you do feel that the insistence of the use of the words "skim milk" is not only a detriment to this great industry, but a detriment to the human race, so far as the American public is concerned; is that right?

Dr. WILDER. Of course, I do not know anything about the industry and I am not concerned about the industry, except so far as the industry can help bring to or help to bring this thing into greater consumption and I do feel that you are absolutely correct in the statement that you made about it, in the latter part of your statement.

Mr. O'HARA. Thank you, Doctor.

The CHAIRMAN. We thank you, Doctor.

Mr. CHAPMAN. Mr. Chairman.

The CHAIRMAN. Mr. Chapman.

Mr. CHAPMAN. Dr. Wilder, is my understanding correct that you are advocating the value of skim milk, what we call skim milk, as a valuable supplement, but not as a complete equivalent or adequate substitute for milk. Is that correct?

Dr. WILDER. I beg your pardon.

Mr. CHAPMAN. As a valuable supplementary diet, but not as the complete equivalent and adequate substitute for whole milk?

Dr. WILDER. If you will permit me, I would like to answer that in this way, that without milk, it is almost impossible for you to plan a satisfactory diet; but you do not need the fat in that milk to effect that satisfactory diet. You can get other fats that will do the same work as the fat in milk; but you cannot get other proteins such as are contained in these nonfat milk solids that are quite so effective.

Now, in making that statement, I must qualify it to some extent, that the evidence is not complete, as I understand it, that you can find satisfactory alternates for butter; but there is certainly—what evidence there is suggests that you can—on the other hand it is extremely difficult to find a satisfactory alternate for the proteins of milk. There are such alternates. Yeast is one. But that is not a common food. Liver is another. There is not enough to go around. Milk is extraordinarily important as a source of certain of these amino acids and they are found in the nonfat part of the milk.

Mr. CROSSER. Do you think that the milk that has been defatted, as you call it, is better?

Dr. WILDER. No, sir; I do not express that opinion.

Mr. CROSSER. No. I was not here when you began.

Dr. WILDER. I did not make that statement.



Mr. CROSSER. I was not questioning that.

Dr. WILDER. No, sir. I just want to emphasize that the fats are important. Everybody recognizes that and have recognized it for a long time. We are all for butter. None of us are against butter. But, in the emphasis that has been put on butter we have forgotten about this other part which in my opinion is relatively more important than butter.

Mr. CROSSER. I just want to get it clear. That is all.

Mr. O'HARA. Mr. Chairman.

The CHAIRMAN. Mr. O'Hara.

Mr. O'HARA. You are speaking now of the so-called skim milk product that has not been accepted in recent years; is that not true, Doctor?

Dr. WILDER. That is correct.

Mr. CHAPMAN. Mr. Chairman.

The CHAIRMAN. Mr. Chapman.

Mr. CHAPMAN. Doctor, do I understand you correctly that you think "dry skim milk" and "dry milk solids" are both inaccurate descriptions of the product we are discussing?

Dr. WILDER. That is my reaction to it.

Mr. CHAPMAN. Thank you.

The CHAIRMAN. We thank you, Doctor.

Dr. WILDER. Thank you.

The CHAIRMAN. Dr. Reed, if you do not mind, there is a Member of Congress here who would like to get away and would like to make a brief statement if it will not interfere with you.

Dr. REED. That is perfectly all right, Mr. Chairman.

The CHAIRMAN. We will hear Mr. Andresen.

#### STATEMENT OF HON. AUGUST H. ANDRESEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. ANDRESEN. Mr. Chairman and gentlemen of the committee, I am glad to have the opportunity of following Dr. Wilder who is one of the outstanding professional men from my district and who is associated with the Mayo Clinic, to which most people come when they get in trouble and want to be healed.

Now, with reference to this particular bill, I want to just express a few opinions briefly. I am for the bill and hope that it can pass in some form so that the people can get the true facts as to nutritive value of dry powdered milk.

I look on this skim milk powder proposition in somewhat of a practical manner. I have had considerable to do with dairying since I came to Congress. I have operated a separator and have skimmed the cream off from the milk that comes from the cow, as many of you have also done.

We have always regarded skim milk as more or less of a byproduct that was only fit for the pigs and the calves, and not so much for human consumption. We did recognize that there were certain qualities or solids in the milk that had nutritional value and, of course, we figured if we would give it to the pigs that it would be transformed into pork, because the skim milk did have proteins, did have some butterfat in it which could be taken out by the separator

in the separating process; but it has always been my conclusion that you take and remove the skim from the solid ingredient in the milk, you would have remaining a good healthy nutritious product. In other words, in removing the water from the so-called skim milk you have this substance that contains butterfat and calcium, and other solids which make it a good healthy food.

Mr. HALLECK. Mr. Chairman.

The CHAIRMAN. Mr. Halleck.

Mr. HALLECK. I wonder if the Congressman will permit me to intervene.

Mr. ANDRESEN. Yes, Mr. Halleck.

Mr. HALLECK. I too have been raised in a country where milk is one of our principal products. Of course, the term "skim milk," I suppose, came into being back in those earlier days when cream separators were not generally in use and the cream was skimmed off after it came to the top.

Mr. ANDRESEN. That is correct.

Mr. HALLECK. It runs in my mind that when you skim off the cream or butterfat after it comes to the top that you get a lot of the solids besides the butterfat that you do not get out of the whole milk when you run it through the separator. That is, when you run it through a separator you get more of the butterfat than you do of these other solids, and so it seems to me from that standpoint that the term "skim milk," dating back to a date when the process of removing the cream got more of the so-called solids from the milk is not quite in keeping with the situation which prevails under the more modern process where a cream separator is used.

Now, what do you know about that? Is my understanding about that correct?

Mr. ANDRESEN. You can set the cream separator so as to take any amount of butterfat or solids out of the whole milk, but you can never set it as fine as nature can set it. That is my understanding of it, and, therefore, in setting your cream separator to remove the butterfat from the whole milk, you cannot remove all of the solids from the milk. They have not got down to a scientific fineness so that they can take all of the butterfat out of the milk. Now, there is very little of the milk that is skimmed in the way you and I used to take and skim it off of the top of the crock, before they had the cream separators; but very few people do that at this present day, because most of the dairy farmers have the separators and they set the separators so as to get as much of the butterfat out of it as they can.

Mr. HALLECK. Do you know whether or not the nutritional value that remains in the milk after it is skimmed as against that which remains after it is separated by a modern cream separator is greater or less?

Mr. ANDRESEN. No; I would not know that. I am not a chemist and I would not know that, but my guess would be that there would be more nutritional value left in it after it is run through the separator than when it is just skimmed off of the crock after the cream or butterfat had come to the top. Now, that is just a guess on my part and may not be correct.

Mr. HALLECK. I wonder if any of the experts here know anything about that, because if that is true not only would the use of the word

"skim" refer to something other than the modern processes now generally in use; but also it would indicate a residue of less food value than the modern method leaves.

Mr. ANDRESEN. I do not know.

The CHAIRMAN. Dr. Wilder I think in substance answered that awhile ago.

Dr. WILDER. This is a technical question, sir. I think Dr. Reed probably could answer it better than I can.

The CHAIRMAN. Dr. Reed will be on shortly.

Mr. ANDRESEN. I think that it would be well for Dr. Reed to answer that, if you will, Doctor.

Dr. REED. We have an analysis as to the way separated milk runs. For milk that comes from the separator, the term we have used for years is separated milk, as compared with the hand-skimmed milk, that is, the old ladle system of skimming the milk, and here is what the analysis shows. Separator skimmed milk 90.35 percent water; 3.72 percent protein; 0.15 percent fat; 4.98 percent lactose; and 0.80 percent ash.

Now, with the hand-skimmed: 90.25 percent water; 3.58 percent protein; 0.75 percent fat; 4.66 percent lactose; and 0.76 percent ash.

Now, fat, of course, provides energy, and there is about five times as much butterfat left in the skim milk when it is hand-skimmed as when it is skimmed by machine or a separator.

Mr. HALLECK. But what about the other solids?

Dr. REED. Other solids; there is a slight difference in favor of that which is left in the hand-skimmed.

Mr. HALLECK. I thought it was just the other way.

Dr. REED. I mean the separated skim. There is approximately two-tenths percent more protein and three-tenths more milk sugar in the separated than in the hand-skimmed.

Mr. ANDRESEN. Does that answer your question, Mr. Halleck?

Mr. HALLECK. Yes.

Mr. ANDRESEN. At the time the Pure Food and Drugs Act was last up for consideration, some of us were very much concerned about the authority in the bill which gave the Food and Drug Administration the right to fix standards and to define just what should make up these different food items, and so I thought it might be advisable to take some precaution and fix a definite standard by law for butter and cheese. I took it up with your chairman here, Mr. Lea, at the time and proposed that we fix a standard for butter and cheese by law. In other words, I wanted the historical and traditional standards that had been fixed by law a good many years ago, and so the amendment was offered and accepted in the House without any opposition. We had reached an agreement between the cheese and butter people as to what should be contained in that amendment. The amendment defining butter and cheese passed the House and went over to the Senate, and some of the cheese producers in the Senate—that is, those who represented the cheese areas—were a little fearful that they might get in difficulty if they left cheese in, and cheese was stricken out of that amendment; and the only product that is now defined in the existing law is the standard for butter, and that is contained in section 902 (a) on page 50 of the compilation of the Pure Food and Drugs Act.

I think that this establishes the precedent showing that Congress thought it advisable to fix a standard on a dairy product. That has been accepted.

Now, I do not know whether or not the administration of the Pure Food and Drugs Act would agree that this was proper, but at least the standard was fixed for butter in the act passed on March 4, 1923, which was the historical standard for butter and it has been acceptable to the trade and to the people generally throughout the country, and I think that in view of that fact and since we are interested in fixing a standard for another dairy product, there is ample justification for the passage of this bill which gives the true name to a dairy product which we believe will be correct.

Now, whether you call it dry milk solids or dry fat solids, or some other name is immaterial to us, just so the erroneous word "skim" is removed from the definition.

There is no reason, when you take the water out of a commodity, that that water should be retained in as a part of it, because after all skim milk means that it has water in it, and that has nothing to do with the whole solid material that is left after you remove the water.

Now, that is about all I can offer to the committee. As I said, I am not an expert on this subject, except I feel that I know something about the practical part of it and want to get not only justice for the industry, but also to give the consuming public the true definition of what is now coming to be recognized as a very nutritious and healthful product from the dairy cow.

It has been pointed out to you by other witnesses that there is a big demand for dry powdered milk coming from other countries in the world that we are furnishing to the lend-lease program. The dairy industry throughout the country is doing its part to provide that dry powdered milk and we, therefore, think that when it goes into foreign consumption and domestic consumption we should have the correct name for it, irrespective of what some people down in one of the agencies in the Government might say that it should be.

I could talk for a long time about the O. P. A. or the bureaucratic agencies that we have here, but that would not be necessary for me to do at this time, because I know many of you have the same criticisms I have.

I will say this for the Food and Drug Administration, and for Mr. Campbell in particular, with whom I have been personally acquainted for many years, that they have done a fine job, by and large, and I think on this point not only they but Mr. McNutt should agree to the wishes of the industry and should concede that we who represent the practical viewpoint also have merit to our contentions.

The CHAIRMAN. Thank you, Mr. Andresen.

Mr. O'HARA. Mr. Chairman.

The CHAIRMAN. Mr. O'Hara.

Mr. O'HARA. Just one question, Mr. Andresen. Mr. Andresen, is it your observation, based on your many years in Congress and your knowledge of the dairy industry, and not only from the point of view of the dairy farmer, but the industry and the consuming public, that the words "skim milk" which have been attached to and then insisted upon by the Food and Drug Administration, have never been a correct description, but in fact has acted as a deterrent to the general



healthful use of this so-called dry, dehydrated, and defatted milk by the public?

Mr. ANDRESEN. Well, I can say this, Mr. O'Hara, that wherever I have lived, when you refer to skim milk, you generally refer to it as a waste product and it is rather distasteful to the people and it was not sold in the general trade because people would not take it with that term applied to it.

Now, with the water, liquid, removed from it, leaving a good healthful dry food, why then we think that the definition set up by the Food and Drug Administration is wholly erroneous and should be removed.

Mr. O'HARA. Thank you.

Mr. CROSSER. Mr. Chairman.

The CHAIRMAN. Mr. Crosser.

Mr. CROSSER. Is there any serious difficulty in disposing of this product you call skim milk at the present time?

Mr. ANDRESEN. Well, the trouble is coming about in the fact that the Food and Drug Administration are demanding that everything be put on the label that is in the marketed product and when you put the words "skim milk" on bread or whatever it is they use it in why—

Mr. CROSSER. Do they want it to go on bread, too?

Mr. ANDRESEN. Well, I would not be a bit surprised, because they use skim-milk powder, so-called, in bread.

Mr. CROSSER. I know that they do use it.

Mr. ANDRESEN. And I suppose they use it because it gives a better enriched bread for the people, because of these added dairy products.

Mr. CROSSER. I did not know that they required a statement to be put on the bread.

Mr. ANDRESEN. I do not know whether they do that yet or not, but the chances are if they have not already done so they will do it, as they are demanding it in a good many other lines, claiming it to be for the interest of the consuming public.

The CHAIRMAN. Thank you, Mr. Andresen.

Mr. ANDRESEN. Thank you.

#### STATEMENT OF DR. O. E. REED, CHIEF, BUREAU OF DAIRY INDUSTRY, DEPARTMENT OF AGRICULTURE

The CHAIRMAN. Dr. Reed. Will you give your full name and position for the record?

Dr. REED. O. E. Reed, Chief, Bureau of Dairy Industry, United States Department of Agriculture.

I want to explain that the Bureau of Dairy Industry is authorized by Congress to do research work for the dairy farmers of the United States on the one hand and on the other for consumers. Now, we have both groups represented here and we have the intermediate group represented, and we work with that group also.

Mr. Chapman asked me to come over and give what information we had relative to this question of names.

I want to say at the outset we have no objection whatsoever to changing the name of any product if a name can be found that will actually define the product.

Now, the name suggested by this bill, in my judgment, does not define the product.

Mr. O'HARA. There are two in here, Dr. Reed; which one are you referring to; and, do you think that skim milk is a fair designation?

Dr. REED. It is the designation that has been in use all of these years. Originally—

Mr. O'HARA. That is not my question.

Dr. REED. I beg your pardon.

Mr. O'HARA. You say that it has actually been in use. That is not my question. Do you think it is a fair designation?

Dr. REED. Yes; I think it is a fair name to be used, accurately speaking, speaking from an accurate standpoint it is a fair name; yes.

The CHAIRMAN. I find here in one of your speeches this statement:

Centuries of skimming the cream from milk has not only fixed in our minds the idea that cream is the only thing worth recovering from milk, but unwittingly there has grown into our language the thought that "skimming" removes the good from anything and leaves a residue of doubtful value.

Dr. REED. That is true; but that nevertheless does not change it. If you want to go back a little further, and get an older meaning of the word "skim," you will find that it means scum, and originally meant scum taken off of the top of liquid. In this case it would be the butterfat that was taken off.

The CHAIRMAN. Did you say "scum"?

Dr. REED. I say if you go back far enough. We change the meaning of words and the language is changed, so that it now becomes skim.

I did make that statement in 1934. This industry at that time was what might be called an infant industry and at that time everybody was trying to educate the people as to the value of skim milk, and I think that is what we are trying to do now—we are educating the people to the value of skim milk. I do not think that your educational program, which will mean educating the people as to what is below the cream line, will be any different, whether you call it defatted, or this, or that, or something else. You have still got your problem of education, because the people ask, What are these products; what is defatted, or whatever name that you decide to call it. Then when they ask what that product is, we will have to come right back to saying it is skim milk.

Mr. BOREN. Mr. Chairman.

The CHAIRMAN. Mr. Boren.

Mr. BOREN. Dr. Reed, is there any powdered milk that has the cream left in it?

Dr. REED. Any powdered milk?

Mr. BOREN. Yes.

Dr. REED. Dried whole milk?

Mr. BOREN. I see a product advertised all of the time as powdered milk, and I as a consumer, and a great believer in milk—milk forms a major portion of the diet of myself and my family—have always thought that powdered milk was skim milk, as you use the term, and I have always, when I can see a powdered milk residue on the glass after I buy a glass of milk in a cafe or some place in Washington have felt a little annoyed about being unable to get the kind of milk that we have in our country—whole fresh milk.

There are a lot of other terms that have grown up around here that would appear to me, under the Department's rules, that need a lot of strict definitions. For example, homogenized milk. I doubt if there is one person out of a hundred on the average in the United States who has any idea of what homogenized means, and it seems to me that if you are going to put into a law a policy of saying what name shall go on a product, and you are going to fix that name to the history of the thing used in the past, that you would have from now on a curb on the manufacture of any new word to indicate either any new process or any new usage or any new advertising appeal.

I do not mind—in fact, I like the opportunity to state my own viewpoint for the record here and say that I feel full disclosure is important on all foods and drugs and ought to be mandatory; and we have that as a principle in the law.

I also feel that anything used in advertising beyond the essential disclosure theory, should be true, and that we wrote into the Trade Practices Act.

There should not be anything false and misleading, but to insist that a certain word be used is different. I do not see any reason why they could not start off here with any sort of name they wanted to use as a trade name, like we have botony wool, or some other substance, provided they put it down on their label, make full disclosure of what the milk contains and the full disclosure will say that this milk has everything in its except the fat substance and has a certain percentage of fat.

I realize I have gone further than asking a question, but to come back to the question I have in mind—we get a little container of cream at my house every once in a while. Sometimes I notice it is labeled coffee cream. Well, we do not use coffee, so that is misleading. Sometimes it is labeled double cream and sometimes it is labeled whipping cream.

Now, what would be your conception of proper labeling for cream, using the yardstick you have laid down here, if you are going to insist on what the law requires, a common name, which one of those common names would you use?

Dr. REED. Of course, I do not know that I can answer all of your question, but coffee cream and whipping cream are descriptive names indicating how that cream is to be used. The industry and everyone knows that coffee cream is a light cream. People will not pay for heavy cream for use as coffee cream. Whipping cream is a more expensive cream and contains more butterfat and is used for whipping purposes. Coffee cream will not whip.

Mr. BOREN. You do not believe we ought to make them put on anything other than cream? Are you willing to let all of that product be sold just under the word cream, without any further description?

Dr. REED. That is a descriptive term. It is used in trade parlance. I do not see any objection to that, particularly, but on this question of confusion of names, when you get into the dairy industry, confusion is rampant.

Mr. BOREN. Let me ask you this one question further. Is there not a vast difference in the butterfat content between what is called coffee cream and what is called whipping cream?

Dr. REED. That is right.

Mr. BOREN. If there is a vast difference in the butterfat content, then would you have any objection to calling all of this cream, regardless of the butterfat content, just cream, and nothing else?

Dr. REED. Well, you cannot do that. The whipping cream and the coffee cream are described by most State statutes and they all have laws stating a certain minimum percentage of fat for coffee cream or a certain minimum percentage of fat for whipping cream. The ordinances of the cities also provide that in order to protect the consumer.

Now, those are your State laws and your city ordinances that have been adopted as a matter of regulation.

To say now, for instance, that 18 percent is a standard butterfat cream for coffee cream and 30 percent or more is a standard for a whipping cream—

Mr. BOREN. Is that standard a part of the Department's rules and regulations?

Dr. REED. No; I am not in the standards department. I am just talking about what is in use. When I buy cream at my doorstep, I know under the ordinances and the State laws in the city or State in which I live, when they say coffee cream the percentage of butterfat in that cream is not less than the State prescribes. And the same thing is true of the percentage of fat in whipping cream, as is prescribed by the ordinances of the city or the statutes of the State.

Mr. BOREN. What is the difference between the average butterfat content of Holstein milk and Jersey milk?

Dr. REED. The average content of Holstein milk is about 3.4 percent, and the average content of Jersey milk is about 5 percent.

Mr. BOREN. Now, what is the average content of cream in whole milk, as the term is used, nationally?

Dr. REED. Whole milk?

Mr. BOREN. Whole milk.

Dr. REED. About 4 percent, or about 3.9 percent.

Mr. BOREN. About 3.9 percent?

Dr. REED. That is right.

Mr. BOREN. Now, what is the average butterfat content of skim milk as we use the term "skim milk" here?

Dr. REED. You mean of skim milk on the farm?

Mr. BOREN. Yes.

Dr. REED. It runs around 0.12 of 1 percent.

Mr. BOREN. Something far less than 1 percent?

Dr. REED. Yes.

Mr. BOREN. In the skim milk these people have been talking about, this product?

Dr. REED. That is right.

Mr. BOREN. Then you have got four categories there of cream content, running from a small fraction of 1 percent up to a maximum of 5 percent?

Dr. REED. Butterfat content?

Mr. BOREN. Butterfat content; yes.

Dr. REED. Yes.

Mr. BOREN. The other components are presumably comparatively the same; the same or near the same in Holstein and Jersey milk?

Dr. REED. Approximately the same. There is very little difference.

Mr. BOREN. And you have arbitrarily fixed the general term "whole milk" the requirement that it contain not less than 3.9 percent?



Dr. REED. Well, it depends. We do not have any real standards to go by. Practically every State in the Union has a standard for marketing their milk and the municipalities also, and the highest, I think, is  $3\frac{1}{2}$  or about  $3\frac{1}{2}$  percent; it runs from that down to 3 percent.

Mr. BOREN. Where would that be the highest, if you happen to know?

Dr. REED. I cannot recall that now.

Mr. BROWN. In the Cincinnati market they require 4 percent.

Mr. BOREN. Four percent in Cincinnati?

Mr. BROWN. Yes.

Mr. BOREN. Under that standard then Holstein milk could not qualify as whole milk, even though it was the natural whole product from the cow.

Dr. REED. In some cases,  $3\frac{1}{2}$  is the best the cow can do. Dairymen get around that by putting higher-testing cows in their herd.

Mr. BROWN. Do you know what the cream content or the butterfat content is that is required in Washington, if any?

Mr. BROWN. Three and one-half is the requirement here.

Mr. BOREN. I did not know that they had any cream in most of the milk here. But ever here in Washington Holstein milk according to the regulations is not whole milk. What then is it?

Dr. REED. Most of it is actually tested, before it is distributed.

Mr. BROWN. They require 4 percent in Cincinnati.

Mr. BOREN. Then, Holstein cows don't give milk if  $3\frac{1}{2}$  percent is required of milk in Washington and 4 percent is the average for the whole Nation over, then the Holstein cows would have to be slaughtered unless we have some artificial addition of cream to the Holstein milk, if it is going to be sold as a fluid milk product? Of course, these questions are a little bit beside the point, but I feel that there is an awful lot of misleading information in all of the names that are required so far as the unlearned consumer is concerned and I would like to ask you again if you would have any objection to removing the requirement of any name at all from the law and simply requiring on the label a statement of the various percentages of the contents be indicated; call it anything you want to, provided you said on the label how much protein, how much fat, and how much water, and so forth, was contained.

Dr. REED. That would be one way to do it. It is not for me to say. But, that is one way to do it. I have talked in colleges and agricultural colleges for a good many years, and the nutritional value of what is below the cream line has always been a hobby with me. Every student who sat in my classes knows that the greatest value from a nutritional standpoint is below the cream line.

Now, from an educational standpoint, it is very easily shown what is in the skim milk below the cream line. For instance, I do not know whether even all of the people in this room know that there is more sugar in milk than there is in butterfat: 4.68 percent is the sugar content of milk. Of course, as Dr. Wilder has pointed out, and very few people realize it, the skim milk is the part of the milk that contains the sugar and mineral elements, salts and calcium.

But, in answering your question more directly, if the composition of skim milk could be brought to the attention of all the people it would be a great factor in educating them.

Mr. BROWN. Doctor, being a newspaper man, why not advertise it?

Dr. REED. That is a good idea.

Mr. BOREN. Doctor, just one other question and that is this: If this particular bracket of milk has that small amount of butterfat in it, you are going to define it with a name that segregates that milk completely from any other milk and it seems to me that simple honesty would require then that in the upper bracket of the milk, this Jersey milk—and most of the cows that we have down in my country are Jerseys—that you should require a superior name for Jersey milk.

Now, you have got three brackets. It seems to me that it is just as dishonest to lead the people to believe that Holstein milk is a good milk when compared to the Jersey milk, as it is to lead the people to believe that skim milk is not to be compared with Holstein milk. There is just about the same percentage of difference, according to your figures. The rules sound silly to me.

Dr. REED. I am not making rules, but I just want to tell you that your Jersey friends, and Guernsey friends, and Jersey breeders and Guernsey breeders have been describing it in their own way. They advertise Jersey creamline milk and golden Guernsey milk, and they are telling the world that it does have this extra fat in it, they have spent a lot on printer's ink on that sort of thing.

Mr. CHAPMAN. Dr. Reed, they are doing that by advertising rather than trying to enact a law on the subject.

Dr. REED. They are doing that on their own.

Mr. CHAPMAN. Which do you think is a better way of bringing to the attention of the consuming public the nutritional value of so-called skim milk; by advertising it and educating the consuming public as to its virtues and value or by seeking an amendment to the Food, Drugs, and Cosmetics Act?

Dr. REED. You have sort of put me on the spot on that question. I think no matter what you call it, you are going to come back to the contents of it, the food contents. That is the thing I am interested in. And, from the educational standpoint, I do not like the word advertising in nutrition, but I do like the word educational.

I would like to enlarge just a little bit more, Mr. Chairman, on this question of the confusion of names. I am not criticizing the industry. They want to change the name. I made the statement that if they wanted to change the name and get a name that is accurate, that it is all right with me. I do not know what it would be. I do not know what they are going to do unless they go right down the line and rename all skim milk products. For example, evaporated skim milk, like dry skim milk, is also used in bread making. Undoubtedly they will have to take the same position on that product.

We also have condensed skim milk.

This morning I took this label, this top from a bottle which came to my home, and I drank what was underneath that cap. That is skim milk. Now, I like it, because I am fat enough and I get my butterfat in other ways. I do like milk, and I want calcium in my nutrition, and we take a quart of skim milk every day. Now, I do not know what you are going to call this. To me, it is all right. I know what it is. Other people who do not know so much about milk maybe do not. You can buy skim milk. There was a time when the industry did not want to sell it and under a lot of our laws it was illegal to sell skim milk; but we know we can now sell it if we label it like this milk is labeled.

We also make 4,000,000 pounds or more of skim-milk cheese in a year. I do not know what you would name that cheese.

Mr. HOLMES. Doctor, just on that point. As a matter of fact the milk you drank this morning was separated milk?

Dr. REED. It was skim.

Mr. HOLMES. It was separated.

Dr. REED. Separated skim milk; yes, sir. That is the official term that we use to describe it.

Mr. HOLMES. Of course, the old term "skim milk" applied to the product where you put the milk out in crocks or pans and skimmed it with a ladle. I have delivered it myself and bought it from the milk wagon and everybody used to take the milk and skim it. That is true whether it was done on the farm or whether it was done in the homes.

Dr. REED. I have done it.

Mr. HOLMES. That is where the term "skim milk" was derived. It was the hand process. Today, with modern cream separators the proper word to say is that it is skimmed milk, or is that separated milk? Which is the most truthful expression?

Dr. REED. I think if you asked the  $4\frac{1}{2}$  million dairy farmers what comes out of the separator at the spout other than the cream spout they would say skimmed milk. I think that 99.99 percent will tell you that.

Mr. HOLMES. It comes out as separated milk.

Mr. O'HARA. That is not skimmed, that is separated milk.

Mr. HOLMES. Yes.

Dr. REED. Now, there is no difference, if you want to get down to it technically; there is no difference in the separation due to gravity in the old hand system, gravity separation just as you gave the illustration; because the cream, being lighter than the milk, comes to the top. Now, science, has changed the process. We now use centrifugal force and we still have the same separation of milk into the cream and skim milk.

Mr. HOLMES. I feel a good deal like you. I do not care for so much butterfat in milk, and I and my family have bought thousands and thousands of bottles of skim milk. I have no objection to the term "skim milk." It has never run in our family to object to it, because we have bought it whenever we wanted it; but even then I question whether under the modern method of separating milk the word "skim" is a true description of the quality of that milk you or I may have tomorrow morning.

Dr. REED. Well, I am not particularly interested, as I said before. If they can find a name that is more descriptive and will suit the purpose and will tell the public what they are getting, as has been suggested here, it is perfectly all right with me. I have no argument on that point at all.

I am trying to illustrate that in laboratories and on the farms there would be confusion all along the line. I do not see how you are going to eliminate the term "skim milk" from our vocabulary and from that of the  $4\frac{1}{2}$  million farmers in these United States who know it as skimmed milk.

Now, so far as the particular industry is concerned, I want to say that this is my opinion, my own point of view. The industry has done a wonderful job in developing dried skim milk. Even as late



as 1925, less than 73 million pounds was made annually. This year, they will make somewhere between 500 and 600 million pounds of dry skim milk.

Dr. Wilder would like to have 6 percent skim milk solids in bread. We do not make enough yet to put 6 percent in bread. I think we could use, as he has already pointed out, a billion pounds of this skim milk in our foreign trade. I think all honor and credit is due the men, the pioneers, who have developed this dry milk industry. Speaking of the production phase of the dry skim milk business, it has been developed on the fringe of the corn and hog belt and in the war West; not in the corn and hog region, but in the northern part of the country that is not a corn and hog region in normal times. It has not developed in the corn and hog region, because before the prices were what they are today, the farmers got about 12 to 15 cents, or maybe a little more, per 100 pounds for their skimmed milk. Every farmer, and every experiment station in the United States, knows that as hog feed skim milk is worth as much as a half bushel of corn. That is our ordinary way of expressing the value of it.

Now, the reason that producers of dry skim milk have not been able to get in the corn and hog country is that people have not appreciated the value of dry skim milk enough to pay the hog farmer to sell his skim milk. When they do, we can increase the production of dry skim milk.

Mr. BOREN. Is not the reason they have not appreciated it due to the fact that you have compelled the use of the word that connotes inferiority?

Dr. REED. I cannot say that; no.

Mr. BOREN. Would you have any objection to putting on all milk of the Holstein variety a regulation that would compel them to put the word "inferior" in front of the word "milk"?

Dr. REED. I do not think that is necessary.

Mr. BOREN. 3.4 percent average, you tell me, and that even in Washington, they require 3.5 percent. So certainly it is inferior to what would be a reasonable standard.

Dr. REED. All I would require would be——

Mr. BOREN (continuing). Why don't you require something by regulations, then, that would indicate the difference between that type of milk and Jersey milk, as you are requiring in this case?

Dr. REED. That is not necessary as long as they come up to this 3½ percent.

What many farmers are doing around Washington—in producing marketable milk now, mind you—is mixing their herds. They are not only putting Jerseys into their Holstein herds, but they are putting Holsteins into their Jersey and Guernsey herds. What they are interested in is getting milk that will test 3½ percent fat, because that is the minimum fat content that they have to meet. The way that the thousands of farmers around here are doing that is to put Holsteins in their Jersey herds or Jerseys in their Holstein herds, and the average of all the milk comes out 3½ percent fat content.

Mr. BOREN. Can you dry the butterfat like you do the other ingredients?

Dr. REED. Yes; we have dried whole milk, of which we made last year about 60 million pounds in this country, and the Army wants all it can get.



Mr. BOREN. I mean separated and still dried.

Dr. REED. Yes; we can dry cream. We have dried cream.

Mr. BOREN. Well, why could we not then have these two products on all of the shelves of all of the grocery stores of the country together, one saying "dried milk, without butterfat" and the other saying "dried milk without the protein content"? Would that not be the correct way to define it?

Dr. REED. Technically it would not be correct; but the idea you want to put across is you could have those two products and call them by those two terms.

Mr. BOREN. Would you have any objection to these people using the term on their products, "dried milk, without butterfat"?

Dr. REED. I have no objection to any term that is used.

Mr. BOREN. How about that particular term?

Dr. REED. I do not have any objection to any term they use, as long as it describes the product.

Mr. BOREN. Would "dried milk, without butterfat," be a proper description of this product?

Dr. REED. It would not.

Mr. BOREN. Why not?

Dr. REED. Because it has butterfat in it; as much as  $1\frac{1}{2}$  percent.

Mr. BOREN. "Dried milk without substantial butterfat"; would that be a proper description?

Dr. REED. I think it would be very confusing. You could use it; yes.

Mr. BOREN. You would be willing for these people then, under regulations, to start using the term "dried milk, without substantial butterfat"?

Dr. REED. I am not naming it. I am taking the thing as is. This name has been suggested. I do not think that these names accurately describe the product.

Mr. BOREN. I know, but this committee—

Mr. HALLECK. Will the gentleman yield?

Mr. BOREN. Mr. Chairman, I want to follow this up. I will yield after I get an answer to this one question, Mr. Halleck.

Mr. HALLECK. Thank you.

Mr. BOREN. But this committee is not interested particularly in what they want to call it or what you want to call it. We have got to decide what it ought to be called. It seems that they have no other avenue or recourse except for us to make that decision, and I may want to amend this proposition here suggesting something else, and so I am asking you as a real scientist and an expert now if you are willing for us to write in this proposal that the proper name for this product will be dried milk without substantial butterfat?

Dr. REED. Well, it is not for me to say. It is for the people who are going to enforce it. I do not know how you are going to enforce a thing of that kind. I do not see how it can be enforced. It is not up to me, because my word does not amount to anything in that connection. All I know is that the name suggested does not describe the product.

Mr. BOREN. Skim milk contains the same percentage of butterfat and—that you objected to a while ago in the use of the phrase I suggested—dry milk without butterfat; you do not require that they say there is some butterfat in the skim milk.

Dr. REED. Well, we do not require it on dry skim milk, either.

Mr. BOREN. Well, what do you require?

Dr. REED. Just skim milk.

Mr. BOREN. Why would you want to require that the butterfat be shown, when it is not shown originally in connection with skim milk? Why can we not just call this dry milk without butterfat?

Dr. REED. Well, I am not suggesting that they disclose anything. The words "skim milk" we know about. We know that it contains on an average about 0.015 percent in the fluid form and in the dry form it contains sometimes as high as 2 percent, but ordinarily less than that, because it is up to the manufacturer to take out as much as he can, as much of the fat out as he can, because that has been the marketable value.

Mr. HALLECK. Mr. Chairman.

The CHAIRMAN. Mr. Halleck.

Mr. HALLECK. Well, Dr. Reed, of course I am a little disturbed, to say the least, that we have got to go through this hearing again with the committee.

I have been one of those Members of Congress who has always tried to draw a fair line between the legislative responsibilities and the administrative responsibilities. I sometimes think when I see some of the administrative disregard—and I am not having reference to the Food and Drug Administration—the administrative disregard of the will of Congress, I sometimes wonder why I continue to be so solicitous about the prerogatives of the administrative branch. Of course we are met, when one who has the feeling I have about these things, we are met with the argument, "Well, what other recourse is there?"

Now, is not this about the situation with which we are confronted in this whole thing: You are appearing here in testifying on this bill and the proponents of the bill and the opponents all agree that there is tremendous food value of worth to the Nation in the milk product that is left after you take the butterfat out? So the problem then comes along of how we are going to educate the people of America to that fact. Now, you bought a bottle that is labeled "skim milk" this morning. You are educated about it, and you realize what is in it, and you know that it is a good food, and you want it. But there are literally millions of people all over this country who would not drink that bottle labeled "skim milk" because of the general view about so-called skim milk.

Yesterday the gentleman from Kentucky, Mr. Chapman, for whom I have the highest regard and with whom I have stood many, many times on this pure food and drugs legislation and administration—

Mr. CHAPMAN. That is right.

Mr. HALLECK. He says, "Are you going to promote the use of it by advertising or by using a deceptive label?" Now, Mr. Chapman, I am not for using a deceptive label. The statute specifically forbids the individual from misleading, and certainly I would not as a matter of fact approve of putting a deceptive label on a product.

Mr. CHAPMAN. I am sure of that.

Mr. HALLECK. And that is the reason the first part of this definition has seemed to me to be, in a measure, misleading. If you just called it "dry milk solids," I think that would mean to the average

individual that the butterfat was still in there and that the whole milk was the product that the person was buying. But now we are finally getting down to a definition that would be of help to us and I take it that these people would not be coming here year after year and spending their money and time trying to get this definition changed, if they did not actually feel it would be helpful.

Now, finally, my point is this: The requirement of the statute is that they are to follow the common name so far as practicable and reasonable, but I do not think there is anything in the statute that requires your Administration to insist upon the continuance of a definition of this product which admittedly, by everybody, is making it more difficult to convince the people of the country that it is a valuable food product and, therefore, that its use should be more widely spread. I do not think that is the province of the Food and Drug Administration.

Dr. REED. If I may, I will say that I am not in the Food and Drug Administration. That is a different department entirely.

Mr. HALLECK. Then I shall revise my suggestion in keeping with that. I thought you were.

Mr. CHAPMAN. He is Chief of the Bureau of Dairying, Department of Agriculture.

Mr. HALLECK. What I have had to suggest goes for any administration that participates in responsibility in respect to this matter.

I did want to make that statement for the record here, Mr. Chairman, as being an expression of my views. Of course, if we are put to the necessity of doing something about this legislatively, why, I do not know how I shall come out with the conflicting views that I hold about certain phases of this problem. But I am just utterly convinced that certainly proper words can be found. So far as I am concerned call it "defatted milk solids." Now, if there is a little fat in it you are erring on the side of the consumer and not the fellow who is selling the product and if we are erring on the side of the consumer, then certainly no one could complain of the use of that term connected with this product, so far as the statute is concerned.

Mr. O'HARA. Mr. Chairman.

The CHAIRMAN. Mr. O'Hara.

Mr. O'HARA. Doctor, I would like to ask you a question. I am indebted to you for your historical derivation of the word "skim," when you used the word "scum." I think it illustrates to some extent my objections to the word "skim."

Funk & Wagnall's dictionary defines skim milk as "milk from which the cream has been removed; often used as a type of inferiority."

Now, I think you have improved on Funk & Wagnall's definition.

Dr. REED. I did not explain it very definitely, but the word "scum" means what you take off of the top. In this case it would be the butterfat; and the good part is left underneath.

Mr. O'HARA. Doctor, I was raised on the farm, and let me say this: When we skimmed the milk in the old days from the crocks and the pans, nobody cared to drink that milk. If it was convenient you would take it down to the hogs and we noticed that the hogs got fat on it; but we still did not think that it had much, if any, food value in

it. But now it has reached a stage where you men of science, and you men who have studied this subject, realize that there is a lot of food value in it. Is that not true, Doctor?

Dr. REED. That is right.

Mr. O'HARA. Now, Doctor——

Mr. HARRIS. Will the gentleman yield on that point? I just want to ask a question on that particular point.

Mr. O'HARA. All right.

Mr. HARRIS. In connection with feeding milk to the hogs. If it were not generally known that it had high food value in it, is it not a fact, Doctor, that it would have been poured out instead of carrying it down and feeding it to the hogs?

Mr. O'HARA. That is right.

Dr. REED. That is right.

Mr. O'HARA. So far as calling it skim milk is concerned, because of historical facts, it could have just as well called it "hog milk" or "sewer milk," so far as that is concerned, so far as the common usage is concerned and the common knowledge of it was concerned. Now, the terms are strong terms, and may sound unfair, but I say that "skim milk" from its historical background is not strictly accurate or fair.

Dr. REED. On our farm and in our neighborhood, the kids drank a lot of skim milk and a lot of edible foods were made with it, and it was not thrown away or destroyed.

Mr. O'HARA. Let me say I was raised on the farm. I did not drink skim milk and I did not know of any farm boys or girls in our neighborhood who drank it. We drank the whole milk; Holstein milk, if available.

In connection with my colleague's suggestion (Mr. Boren) that Holstein milk is inferior, I am not a dairy expert, but I want to say that we have thousands of dairy farmers out in my country who insist on Holstein herds for dairy purposes.

Dr. REED. That is right.

Mr. O'HARA. And we get a very good quality of milk from them.

Now, let me just follow that up. Now, Mr. Rogers, Mr. L. A. Rogers is your first assistant, is he not?

Dr. REED. No; he is retired.

Mr. O'HARA. He is retired?

Dr. REED. Yes, sir.

Mr. O'HARA. Doctor, may I call your attention to an article appearing in the Agricultural Yearbook for the year 1926 by Mr. Rogers in which he cites as the total value of skim milk the following figures as to food materials, in skim milk:

	<i>Pounds</i>
Total proteins-----	892, 243, 000
Lactose -----	1, 460, 062, 000
Ash-----	217, 209, 000
Fat-----	28, 400, 000
Total-----	2, 597, 914, 000

That is the food value in the so-called skim milk.

Now, those are figures cited, I might say, in the article by Mr. Rogers at that time and, of course, it is true, Doctor, that our dairy industry has enlarged and increased since 1926, so that those figures



would be increased as of today. That would be a fair statement, would it not?

Dr. REED. Yes, sir.

Mr. O'HARA. Well, in the same article I also note, without quoting it, that Mr. Rogers commented upon the food value of that as compared to I think 7,400,000 steers.

Dr. REED. Yes.

Mr. O'HARA. Now, Doctor, to be perfectly fair in this matter, do you not think that a product which has as much food value, nutritional value, as skim milk or the separated milk, or so-called byproducts of our butter industry, is entitled to, both from the purest standpoint and from the standpoint of being technically accurate, a better name than skim milk?

Dr. REED. If it is possible. I have no objection. I have already said that. I have no objection if you will find a name that will accurately describe the product. It is perfectly all right with me.

That article you referred to, I am familiar with that, and I can get more statements on food and nutrition, from the year book, 1939, Food and Life, since you have mentioned more education. That book is distributed by Congress. I thoroughly agree with you that this food ought to be saved for the human family. There is no question about that.

Mr. O'HARA. I think that is one of the great tragedies that exist. Now, Doctor, why do you take the position that you do that skim milk is the only name for this milk? I think you lean that way. Is it fair to say that that is the only name, when 80 percent of the milk producers of the country feel that it is not a fair title for this valuable food product?

Dr. REED. Well, I do not know what percentage of the people feel that way, but it is my opinion, that there is confusion in all of our terms, and I say that the—

Mr. O'HARA (interposing). Well, in other words, Doctor,, you do say that probably, when you use the word "confusion" that many of these terms which have been accepted by the Food and Drugs people are not actually accurate; is that what you mean?

Dr. REED. Well, they may have accepted them; but they are accepted in our standards and State laws, such names as evaporated milk, skim milk, and condensed milk, and all of those things. This whole thing, Mr. Congressman, is confusion. Now, if anything can come out of it, I am for it, absolutely.

Mr. O'HARA. Well, we are not going to get any place in the progress of this country if we do not change our views from time to time. Is that not true?

Dr. REED. I am willing to change.

Mr. WINTER. Mr. Chairman.

The CHAIRMAN. Mr. Winter.

Mr. WINTER. Doctor, I am very much interested in the statement you made about the fact that you did not know what would happen, so far as the farms are concerned. The farmers generally are concerned in the change in the name, by reason of the fact that there are these various other types of milk. Well, if the farmers of the country generally want this change, what would you say?

Dr. REED. It is all right with me. I am not making it.

Mr. WINTER. The department, so far as you are concerned has no objection to it?

Dr. REED. Surely not. Any name you adopt will be satisfactory to me, so far as that is concerned. I am talking about accuracy in the definition of the term.

Mr. WINTER. Would this not be just as accurate as the term "skim milk"?

Dr. REED. No, I do not think so.

Mr. WINTER. Why not?

Dr. REED. Because it does not describe it. It says "dry milk solids."

Mr. WINTER. We are pretty generally in agreement on using "defatted dry milk solids."

Dr. REED. Well, it is not defatted.

Mr. WINTER. Well, it is not skim. Skim milk still has the same percentage of fat that the dry milk would have.

Dr. REED. That is right, and we do not announce what is in it, the amount of fat that is in it. We just call it skim milk.

Mr. WINTER. But you said in the statement which the chairman asked you about a while ago, your quotation that he gave you, the speech which you made in 1934, in which you made the statement that it leaves a residue of doubtful value in the minds of the people who are using it.

Dr. REED. That is right.

Mr. WINTER. And that still exists?

Dr. REED. That is right.

Mr. WINTER. I might say that I think your statement is wrong as to what the farmers generally think about it. I come from an agricultural district, and I would say that 95 percent of my farmers out there would like to see its name changed, for the reason that they do not think it fairly states the quality of the article they have to sell and they think it would increase their markets.

Mr. BECKWORTH. Mr. Chairman.

The CHAIRMAN. Mr. Beckworth.

Mr. BECKWORTH. Right there on that particular question, if the gentleman will yield. Who is it that is contemplated is going to sell these dry milk solids, the farmer, or somebody else; can you answer that?

Mr. WINTER. In my district, the farmers sell the whole milk to the creameries or the other institutions and they ship it all into Kansas City, Mo., and there it is made up into this dry milk solids, and it is becoming quite an industry out there. It is increasing all the time.

Mr. BECKWORTH. The farmers will sell the milk out of which the solids are made: is that the condition?

Mr. WINTER. Certainly, the farmers will sell the milk originally.

Mr. BECKWORTH. That is right.

Mr. HARRIS. Doctor, I would like to ask you this question. You, of course, have studied the dairy business for many years. In your opinion, has the term "skim milk" in any way held up the sale of this product?

Dr. REED. I do not know of it if it has.

Mr. HARRIS. Has it held it back? In other words, the meaning of question is this: Do you know whether or not the consumer fails to purchase skim milk because it is called "skim milk"?

Dr. REED. From actual experience, I cannot say. I have heard that second-hand, but I have never heard a food processor say so.

Mr. WINTER. Will the gentleman state that again?

Mr. CHAPMAN. He said that he had never heard a food processor say so.

Dr. REED. I have never heard a food processor say that his business was condemned on that account. It may have been. I am not saying that it has not, but you asked me the question if I know of it. I would have to say No.

Mr. O'HARA. Mr. Chairman.

The CHAIRMAN. Mr. O'Hara.

Mr. O'HARA. Doctor, from your knowledge and study of the dairy business throughout the years, do you know of any organization of consumers who have ever objected to it because it has been called skim milk?

Dr. REED. I do not; it could have happened and I do not know it.

Mr. WINTER. What did you mean in your speech of 1934 when you said that unwittingly there has grown into our language and thought that "skimming" removes the good from anything and leaves a residue without value?

Dr. REED. That is right.

Mr. WINTER. Why did you—

Dr. REED (interposing). That was quoted in the release that was given out. The intent in my mind was that we must educate the people to overcome this erroneous idea that was unwittingly permitted to grow up.

Mr. WINTER. Your feeling was that the term "skim milk" was then holding back the sale of milk at that particular time?

Dr. REED. I did not have that in mind; no.

Mr. WINTER. Why did you make that statement?

Dr. REED. Because I know by long experience that some people feel that skim milk does not have any value, just like the gentleman spoke here a moment ago.

Mr. HARRIS. They feel that way for what reason?

Dr. REED. That is a matter of opinion, not based upon facts. I know what is contained in skim milk and therefore I am willing to use it.

It is a problem of education, and that is exactly what I meant in my speech.

Mr. WINTER. Do you not think that it would help in the matter of education to change this name to something that the public generally would accept, which would not change the quality of the article?

Dr. REED. If you can get a name that the public will accept and will describe the product, it is all right with me. I am not arguing with you at all on that.

Mr. HARRIS. Doctor, do you care to state whether or not the psychological phase of it would be the same if the term was "defatted milk solids" as it is with skim milk solids, so far as the consumers are concerned?

Dr. REED. That is outside my bailiwick, but just giving my own personal opinion on that, I think it is going to be very hard to sell defatted milk except perhaps to some movie actresses.

If I were in business and I had a food mixer ready to go, and I had people coming down the line visiting my bakery, for instance, and they asked me what defatted milk was, I would have to turn around and say that it was skim milk. So, if I were going through a plant and saw defatted milk, and asked them what it was, they would have to do the same thing, and say that it was skim milk. So, you have not changed a thing.

Now, if you can do anything that will get people to consume this very valuable food product, I am for it 100 percent. It has been a hobby of mine to get this down the gullets of the people instead of so much of it going down the gullets of pigs and chickens. I am for it.

Mr. WINTER. Doctor, why do you have to say that defatted milk is skim milk?

Dr. REED. I beg your pardon.

Mr. WINTER. Why could you not tell them what it is?

Dr. REED. I would tell them what it is. It is skim milk.

Mr. CHAPMAN. Mr. Chairman.

The CHAIRMAN. Mr. Chapman. You were through, Mr. Winter?

Mr. WINTER. Yes.

Mr. CHAPMAN. Doctor, can you state what the attitude of the Bureau of Dairying of the Department of Agriculture, is toward this product that results from drying skim milk?

Dr. REED. Well, I think that this product is one of the most nutritious products that we have. As I said in the beginning, it furnishes energy through protein and sugar and also the calcium that is so essential in the diet of our growing children and also in the diet of mature men and mature women.

It is a very, very valuable product, and I cannot see that we are going to come to a point where we can take all of it away from the pigs, chickens, and hogs, but if we do, we will have quite a quantity of it. I have made some studies. I do not have my figures to illustrate what dry skim milk is worth as compared with other products that we are now dehydrating and furnishing on lend-lease, but as I recall, a pound of dehydrated pork costs \$1.31 and a pound of dried skim milk costs 13 cents.

So, to compare milk with any other food, milk will come out on top. By saying that I do not mean that I am prejudiced and that we are going to be eating an all-milk diet, or that anybody should be on an all-milk diet. I like my beefsteaks and other things.

Dry milk, dry skim milk, as we have been terming it, is valuable particularly in building up the nutrition of the peoples of foreign countries. They are going to use a lot of it.

Mr. CHAPMAN. There is one other question that I would like to ask you. We have communications from the American Dry Milk Institute and the National Cooperative Milk Producers' Federation which are represented as comprising in their combined membership approximately 80 percent of the dry skim milk producers of the country.

Now, could you tell us what we have not heard, the extent of the interest of the dairy industry proper? Can you tell us from your own observations and experience in dealing with the dairy industry what the attitude of the dairy industry is toward this product derived by drying skim milk?



Dr. REED. Well, I think the attitude of the dairy industry in sections where they know about drying milk is that the farmers are all for it. Of course, our bureau has advocated its production and use for years. We have suggested that dairy plants install equipment which would enable them to accept whole milk instead of cream and thus to make dried milk and other dairy products. The farmers eventually would get a greater return for the milk they produce.

You know, it seems rather strange. We build barns, put cows in them, grow the feed, produce the milk, and then take the least valuable portion, from the standpoint of nutrition, to market and keep the rest at home.

Now, it is a question largely of the education of the people. The Dry Milk Institute you mentioned has done a wonderful job in getting the people to use dried skim milk and now the Government, as you saw yesterday, is requiring large quantities. I am for that, but I think that the farmers, any farmer, is for increasing his income wherever he can. Before the war the farmer got about 15 cents a hundred pounds for the skim milk which went to the drying plants. Today he is getting from 60 cents to a dollar a hundred for the skim milk. So, you see it is highly profitable right now for the farmer.

Now, they have to get that high price, because as was mentioned here yesterday, dairy farmers and poultry farmers have a shortage of protein supplements. Where they have skim milk they are going to keep it on the farm unless somebody pays them more for it than it is worth as hog feed and chicken feed. However, I am not one of those who think that we ought to go out and get 60,000,000,000 pounds now fed on the farms each year and try to cram it down the consumers' gullets at this time. If we get a billion pounds of dry skim milk, it will help a lot. After this war, perhaps that would be more than we could use.

Mr. CHAPMAN. Doctor, you have presented us with the top of a bottle which you brought from your breakfast table, I believe you said, which is labeled "Pasteurized skim milk."

Now, would it not be as logical and as truthful labeling to eliminate the word "skim" and just use the word "milk" on that bottle cap as it would be to change the name of dry skim milk to "dry milk solids"?

Dr. REED. Well, from the terms that are now in use, and putting myself in the role of the consumer, the consumer would not understand either one. He does not understand this. He understands the difference between skim milk and whole milk. If they can educate the consumers to know what they are getting, and get a name that is satisfactory, I would say again, in all sincerity, I am for it.

Mr. CHAPMAN. Doctor, before you leave, will you give us the history of your connection with the Bureau of Dairying, and your training and experience prior to that, which qualify you to advise us on this subject?

Dr. REED. Well, I was born in Missouri and took my work under Dr. Eckles at the University of Missouri. In 1910 I went to the dairy department of the Kansas State Agricultural College as head of the dairy department. I stayed there until 1918. In 1918 I went to head the dairy department of Purdue University, Lafayette, Ind. I was there until 1921, when I was selected as head of the dairy

department of Michigan State College, Lansing, Mich., and from that position I was asked to come to Washington to take up the position I now have, which is Chief of the Bureau of Dairy Industry of the United States Department of Agriculture.

Mr. HALLECK. What year was that, Doctor?

Dr. REED. 1928.

The CHAIRMAN. We thank you, Dr. Reed.

Dr. REED. Thank you.

#### STATEMENT OF HON. THOMAS ROLPH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

The CHAIRMAN. Congressman Rolph would like to make a brief statement at this time and we will be glad to hear you Mr. Rolph.

Mr. ROLPH. Mr. Chairman and gentlemen, as you know, I come from a metropolitan district and while no milk to speak of is produced in my district, a great quantity is consumed there. I believe I voice the opinion of the average city dweller when I say that we have a natural reaction against the name "skim milk". I hope some name may be developed whereby the sales resistance that has attached for so many years to the name "skim milk" may be eliminated and this nutritious food may find a more widespread market. We city people should have the opportunity to buy it realizing we are getting a splendid health food.

The CHAIRMAN. Thank you, Mr. Rolph.

Mr. HARRIS. I would like to ask my colleague if he has a suggestion for that name?

Mr. ROLPH. No; I do not have. I cannot qualify as an expert. I do not have any name to suggest.

The CHAIRMAN. Thank you.

Mr. ROLPH. Thank you, Mr. Chairman and gentlemen of the committee.

The CHAIRMAN. The committee will take a recess until 10 o'clock tomorrow morning.

(Thereupon, at 12:30 p. m., the committee adjourned until 10 a. m. the following day, Thursday, March 18, 1943.)

## NONFAT DRY MILK SOLIDS

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THURSDAY, MARCH 18, 1943

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,  
*Washington, D. C.*

The committee met, pursuant to adjournment, at 10 a. m., in the committee room, New House Office Building, Hon. Clarence F. Lea (chairman) presiding.

The CHAIRMAN. The committee will come to order. Is Dr. Holm here? Apparently he has not arrived as yet. Mrs. Atkinson, we will hear you.

Will you give your full name for the record?

**STATEMENT OF MRS. HENRY R. ATKINSON, REPRESENTING THE  
NATIONAL CONGRESS OF PARENTS AND TEACHERS, WASHINGTON, D. C.**

Mrs. ATKINSON. Mr. Chairman, my name is Mrs. Henry R. Atkinson, and I represent the National Congress of Parents and Teachers, an organization having nearly 3,000,000 paid memberships. We have more than 28,000 local associations in 48 States, Alaska, Hawaii, and the District of Columbia.

Our national headquarters are at 600 South Michigan Boulevard, Chicago.

Mr. O'HARA. What is your local residence?

Mrs. ATKINSON. I am living in Washington at present. My legal residence is in Massachusetts.

The objective of the National Congress of Parents and Teachers since its founding in 1897 has been child welfare, so it is natural that for more than 40 years the congress should have been interested in food and drug legislation in behalf of consumers.

As long ago as 1900, the congress gave its support to Dr. Wiley in his fight for the first Food and Drugs Act. In 1933, when Senator Copeland first introduced his bill, the congress was the second organization to get behind it, and we stayed with it, as you know, Mr. Lea, for 5 years. Since the law of 1938 was passed, the National Congress of Parents and Teachers has regularly supported adequate appropriations for its enforcement. We have followed enforcement very closely, especially the work that has been done by the Food and Drug Administration in setting up standards for foods. Consumer education was an essential part of the congress' program long before that term came into general use. At the present time it is one of the most important and popular activities of our local associations

throughout the United States. For some years past we have been studying the standardization of consumer goods and grade labeling of consumer products.

Naturally our members are concerned with the standards that are being set up under the new Food, Drug, and Cosmetics Act. Any number of local chairmen are on the mailing list to get notices of the hearings to be held under the act and they follow subsequent proceedings through the Federal Register. I think it may interest you to know that representatives of the National Congress and often of local associations have been present at practically every session of every hearing that has been held under the act, at least as observers, if not always as witnesses.

Mr. O'HARA. When you speak of the Congress—

Mrs. ATKINSON. I am speaking of the National Congress of Parents and Teachers.

Day before yesterday the chairman read into the record a statement from several national organizations in opposition to the bill that you have under consideration. The National Congress of Parents and Teachers endorses that statement in its entirety, but we wish to make some further observations of our own, because of our long standing interest in this type of legislation.

We have always supported this kind of legislation because we subscribe wholeheartedly to the fundamental principle on which it is based; namely, that "the consumer shall be informed what the article purchased really is, and that the article shall be that which it is represented to be."

Now, those are not my words, Mr. Chairman. I take them from the first speech that was ever made in the House of Representatives on a food and drug bill. That speech was made by General Beale, of Virginia, 64 years ago, but the principle which he laid down then is just as sound today as it was then. Your committee, Mr. Chairman, and Congress recognized its validity in providing in the new law that there should be informative labeling of foods and drugs.

In several places in the law—and this is one of the things we have always liked about your law, Mr. Lea—it requires that the labels of foods and drugs shall bear the common or usual names of those commodities, and the common or usual names of their ingredients.

The bill which you have under consideration would rechristen dry skim milk either "dry milk solids" or "defatted milk solids." We do not believe that either of these euphemisms is a common or usual name for what we know as dry skim milk. That does not mean that we do not believe that dry skim is not a perfectly good and valuable food. We think it is. We endorse everything that Dr. Wilder and the other witnesses for the industry have told this committee about its merits and we are perfectly willing to use the product. The point is, that when we use it we want to know we are using it. We do not want to think we are using whole milk.

Some of the witnesses for the producers who have appeared before you have told you that they do not think the public would accept this nutritious food under the name "dry skim milk," but, Mr. Chairman, the public has already accepted it and is clamoring for more.

At the hearing before the Food Administration a gentleman from the Department of Agriculture, Mr. Albers I believe is his name, sub-



mitted records showing that the Federal Surplus Commodities Corporation during the period from July 1938 through March 1939 purchased in round numbers 90,000,000 pounds of dry skim milk for distribution by State relief agencies to families eligible for relief, and at the same hearing other evidence was submitted from the Department of Agriculture showing that as a result of that distribution the consumers who had received the product were going to grocery stores and chain stores and wholesale houses, and so on, to ask where they could get this product. Of course, we all know that they cannot get it now because of lend-lease, but, as I say, evidence that they do want to get it was submitted in the form of a pamphlet—I do not happen to have it, but I can get it for you if you would like—issued by the Division of Marketing and Marketing Agreements, for the Agricultural Adjustment Administration. It is called *Stopping Waste in Farm Products; How a Surplus Commodity Clearly Serves the Welfare of Producers and Consumers*.

We are not particularly impressed by the testimony we have heard that the term "dry skim milk" is a handicap because of the fact that the product itself has not been fully appreciated in the past. The fact is that the practically brand-new science of nutrition in these last few years has brought about revolutionary changes in our eating habits. Only a few years ago bananas were not considered wholesome, especially for children. Today we feed them to tiny babies. Not so long ago, not more than a dozen or 15 years ago, my butcher used to give me liver for my cat; he gave it to me. Now I pay him an unconscionable price for it for myself, because of its special nutritive, not to say therapeutic, value. Tomatoes used to be considered poison, and even 20 years ago, or 10 years ago, we were told they were nothing but water. Now they're worth 16 points out of your ration book.

Nobody has ever suggested that the names of these foods be changed, despite their history.

Certainly if there is any validity in such an argument the spinach growers would have been down here long ago to get a statutory change of name for their product.

I do not need to remind you what the war is doing to our eating habits and the further changes that we are likely to face because of food shortages, black markets, and so on.

We are now practicing economies in the kitchen, using substitutes, and so forth, which a year ago or even 6 months ago we would not have dreamed possible. We are using all sorts of products we did not use to think were desirable.

As Dr. Reed said yesterday, no matter what you call this product, whether defatted milk solids, or anything else, your fundamental problem of education remains.

Now, suppose for the sake of argument, you should call it defatted milk solids. What does that mean to the consumer? It does not mean a thing.

Mr. Lea, a year or two ago, when the term "solids" first began to be used so much in this connection, I encountered consumers myself who said, "What in the world does that mean? Is it clabbered milk? Is it thickened sour milk?"

One woman even asked if it was junket.

These women are your market. They are not experts in dairy sciences. They are not even amateur chemists. They are not sup-

posed to be. They are simply housewives, and they are not familiar with these technical terms.

When you adopt a name like this, it means, whatever you call it, that the producers will have to undertake some sort of an educational campaign to tell the housewife what it is they are trying to sell her, not the value of the product, but the identity of the product. So, if they have to do that, why don't they in the first place simply sell her on the nutritive value of dry skim milk, which she already knows about?

The cream of the meat is this, Mr. Lea: The Government has already undertaken such a campaign for them. As I said a few moments ago, the Federal Surplus Commodities Corporation has distributed 90,000,000 pounds of free samples for them. Any advertising client I ever had would have given his eye teeth for merchandising help of that sort. Moreover, the Government has done the spadework for their advertising campaign. The Bureau of Home Economics has done a superb job of advertising for them—the kind of thing we hear every morning over the radio, as we do our dusting and make our beds, from Betty Crocker and Mary Lee Taylor, and the rest. That advertising costs these other producers millions of dollars.

Mr. O'HARA. Will you let me ask you a question right there?

Mrs. ATKINSON. Yes, Mr. O'Hara.

Mr. O'HARA. Of course, the Commodity Credit Corporation and other governmental branches have done the same for all kinds of other food articles; is that not true?

Mrs. ATKINSON. Yes.

Mr. O'HARA. In matters of distribution.

Mrs. ATKINSON. Of course, it has, and it is a splendid service. But no one is trying to change the names of these other products.

Mr. Chairman, the consumers represented by my organization want to be constructive. We have not come here in any captious or carping spirit at all. As I say, we want to be constructive. We believe in this product and we are perfectly willing to have its use promoted. It is, therefore, in a spirit of friendly helpfulness that we suggest that these producers forget all this litigation and legislation and concentrate their attention on the educational problem that has to be done. Let them try to build up good will for their product rather than suspicion of their motives. It might take a little longer, perhaps, than to put through a piece of preferential legislation; but I submit that the resultant benefits to the industry and to the public alike would not only be greater, but would be of more lasting value. For that reason we believe it would be most unfortunate if this particular piece of legislation were to be accorded any further attention than the very fair and generous hearing you have given it here.

The CHAIRMAN. We thank you.

#### STATEMENT OF DR. GEORGE E. HOLM, CHIEF, DIVISION OF DAIRY RESEARCH LABORATORIES, BUREAU OF DAIRY INDUSTRY, DEPARTMENT OF AGRICULTURE

The CHAIRMAN. Dr. Holm. Doctor, will you give your full name and your official position for the record?

Dr. HOLM. George E. Holm, Chief, Division of Dairy Research Laboratories, Bureau of Dairy Industry, Department of Agriculture.

With your permission, Mr. Chairman, I would like, in order to save time, to read this statement.

The CHAIRMAN. Very well.

Dr. HOLM. And probably amplify on it later.

The CHAIRMAN. All right.

Dr. HOLM. First, may I say that I have no objections to a change of name of the product "dried skim milk" providing a name can be found which describes the product more adequately and accurately than does the term now in use. By whatever name the product is designated it should be by that name which conveys most clearly to the consumer what the product is.

Mr. HARRIS. Mr. Chairman, I wish the witness would identify himself for the record.

The CHAIRMAN. You might give your name and your relations to the Government.

Dr. HOLM. George E. Holm, Chief of the Dairy Research Laboratories, Bureau of Dairy Industry, United States Department of Agriculture.

Mr. O'HARA. You are a chemist?

Dr. HOLM. Yes, sir.

The CHAIRMAN. Dr. Holm, will you amplify that a little by giving the committee a statement of your experience and training to qualify you as a witness on this subject?

Dr. HOLM. I was born and reared on a farm near Cokato, Minn. I received my undergraduate training at Carleton College, Northfield, Minn., and my graduate training at the University of Minnesota and for 2 years I was on the teaching staff of that university, and later, in 1920, I joined the staff of the Bureau of Dairy Industry. My work in the Bureau of Dairy Industry has been research; chemical research on dairy products, principally those related to dried whole milk; dried skim milk; butter and butterfat, or products containing butterfat in general.

Mr. CHAPMAN. Thank you, Dr. Holm.

Dr. HOLM. Now, concerning the proposals in H. R. 149. According to the final sentence therein "milk" is the sweet milk of cows. This, I believe, is clear and leaves little room for doubt as to its meaning. On the basis of this definition, "dried milk solids" cannot be anything but dried cow's milk, or what is now sometimes called dried whole milk. To my mind there can be no question about the meaning of this proposed term. It does not mean dried skim milk.

The alternate term proposed is "defatted milk solids." This term is inexact, for dry skim milk usually contains about 1 percent of fat. It is also inaccurate since it connotes a process of defatting or removal of the fat from the milk solids, when actually most of the fat has been removed in the cream and the remaining skim milk has been dried.

What I want to bring out there is the fact that the term "defatted milk solids" connotes the fact that the milk solids have been prepared and the fat has been taken out later by some process.

The CHAIRMAN. By some what; taken out by what?

Dr. HOLM. By some process. The fat has been taken from the solids after the solids had been prepared.

The CHAIRMAN. Is it all right to ask questions as you go along, or would you prefer to wait and have them asked when you have finished?



Dr. HOLM. After I have finished. I am just amplifying these sentences as I go along.

The CHAIRMAN. Very well.

Dr. HOLM. Hence the two proposed terms are not synonymous and neither is accurate in its definition of the product.

Finally, the question of public education cannot be omitted from consideration here. Most people know what skim milk is. To familiarize them with a new name would probably require time and considerable effort and would certainly require the use of "skim milk," the term with which they are familiar. That education of the public has progressed a long way in recent years is attested to by the fact that liquid skim milk is sold in bottled form in many areas. This could not have taken place 15 or 20 or even 10 years ago for it is a known fact that progress in one field must await the scientific developments in allied fields.

And may I digress here to point out examples. For instance the automobile of today had to wait for advances in various scientific fields—the field of alloys; the field of paints, and other fields. The high plane to which our dairy industry has moved in recent years had to await the development in the field of nutrition. So, progress can be only as fast as progress in the allied fields and, of course, that makes educational processes slow and quite deliberate.

Advances in the field of nutrition and quality improvement of the product have paved the way for the public acceptance of skim milk.

Now, the witness just preceding me brought out the fact that there have been many questions by the public, as to where they could find or where they could get this product, dry skim milk, after a number of millions of pounds were distributed by the Surplus Commodity Corporation. We can attest to that fact, because we have received in the Bureau from time to time any number of letters from all over the country written on scraps of paper or on post cards, asking "where can we buy dry skim milk." And, I have spoken to men at various experiment stations and they have had similar requests. I have no doubt that hundreds of thousands of requests have been received by various agencies from the public. I think that attests to the fact that the public knows what the product is and has accepted it.

Mr. HARRIS. Mr. Chairman.

The CHAIRMAN. The witness prefers to conclude before being asked questions.

Dr. HOLM. I have completed my statement, Mr. Chairman.

The CHAIRMAN. Mr. Harris.

Mr. HARRIS. Doctor, you said a moment ago that the second alternative term here, the second term, "defatted milk solids" would not be correct in that the dry skim milk solids as presently termed has perhaps 1 percent of fat.

Dr. HOLM. Just about.

Mr. HARRIS. Now, are there other terms applied to other commodities which denote, for instance, a nonsolid fat, as explained to us yesterday, and perhaps similar other expressions, whereby not all of that particular substance is taken out of that particular food. Is that true?

Dr. HOLM. According to the testimony of Dr. Wilder, that is true. I have never analyzed any specific foods to determine it. From the



standpoint of a purist, of course, as you bring out here, there is usually a relatively small amount. My objection would not be very great on that point. But, on the second distinction that I made, that it connotes something that does not take place in the manufacturing process—

Mr. HARRIS. Yes; but do not other commodities likewise connote something that actually is not a fact? I am trying to get now the difference between this and other food products whereby it is anticipated that certain of the compounds have been eliminated.

Dr. HOLM. Well, I am not speaking about the quantitative aspect now. I am speaking about the processing; what it conveys to the consumer.

Mr. HARRIS. Well, that is what I am getting at too, Doctor. For this reason, would 1 percent of fat be enough to mislead the consumer if it was labeled "defatted," or "nonfat milk solids"?

Dr. HOLM. I should think it would mislead some and not others. I think there are purists and nonpurists.

Mr. HARRIS. Of course, I know that is true, but I am trying to get at the practical end of it, so far as the consumer is concerned, and trying to clear my mind as to the facts, as to whether or not the general public feel that skim milk means milk without fat.

Dr. HOLM. Well, I do not know. I do not know how the public feels about that. I have heard that some manufacturers will buy dried buttermilk, in preference to dry skim milk and use it because there is more butterfat in dried buttermilk than there is in dry skim milk.

Mr. HARRIS. Now, Doctor, no doubt you have had wide experience in the chemical end of this food product. Would you say the fact that it is termed today as "skim milk" has in any way affected the consumption or the use of it by the public? In other words, has that term had a psychological effect that prevents the consumers from purchasing this so-called skim milk?

Dr. HOLM. I do not think I am qualified to answer that, because I have not been in the trade. I have not been connected with the public enough to know exactly how they feel; except through correspondence.

Mr. HARRIS. Well, it is your understanding, is it not, that the reason for this change, that is, this proposed change, is the fact that the psychological effect of the term "skim milk" is holding back the consumption of this highly important food product?

Dr. HOLM. Well, I have learned that since I began attending these meetings.

Mr. HARRIS. And you did not know about it before you started attending these meetings?

Dr. HOLM. Through my own work I have never run up against that objection; certainly not from the general public writing in thousands of letters and wanting to know where they can buy it. I would have no reason whatever to feel that the name is a deterrent in any way. They ask for dry skim milk, so they must know what they are asking for and must like it.

Mr. HARRIS. If the general public has been writing in so many letters for information as to where they can purchase it, would not that be an indication that they are not holding back because of the term "skim milk"?

Dr. HOLM. You mean that they are not?

Mr. HARRIS. That is right.

Dr. HOLM. It is not a deterrent from their buying it?

Mr. HARRIS. That is right.

Dr. HOLM. Yes, sir; I think those people know what it is.

Mr. HARRIS. Are those inquiries coming generally from throughout the country, or from some particular section?

Dr. HOLM. No; they usually come from the small towns; and one might say from practically every State in the Union.

The CHAIRMAN. Dr. Holm—

Mr. O'HARA. What is done with these inquiries? Pardon me, Mr. Chairman.

The CHAIRMAN. Doctor, you say that "defatted" is not accurate. Now, why is it not accurate?

Dr. HOLM. Well, of course, the first point I think has been covered, that it does contain some fat, about 1 percent; but the second point I made was it is inaccurate in that it connotes that the milk solids, the solids of milk, are first prepared, and then by some process they are defatted.

The CHAIRMAN. What difference does that make to the consumer?

Dr. HOLM. Well, I do not know. I am just pointing out the connotation.

The CHAIRMAN. I do not know, either.

Mr. WINTER. Mr. Chairman, will you yield for a question at that point?

The CHAIRMAN. Mr. Winter.

Mr. WINTER. What would be the difference in the result of the product produced, Doctor, whether the fat is taken out before or after the water is removed from the milk and the milk made into dry solids?

Dr. HOLM. Well, that would depend entirely upon what process was used to get it out; depending upon whether you used a solvent to get it out, or some mechanical means; how much heat was used, and so forth.

Mr. WINTER. Well, you would get the same product whether you took it out before or whether you took it out afterward?

Dr. HOLM. I can conceive of a difference in the nutritive value of, for instance, using a process whereby the riboflavin is oxidized, and we no longer have the riboflavin content of the dried milk.

Mr. WINTER. In other words, you think if the whole milk were dried and then the fat was removed after it was dried, it would make a difference in the quality of the product?

Dr. HOLM. My statement was that it might make a difference.

Mr. WINTER. You do not know whether it would or not, do you?

Dr. HOLM. No; I am just speaking of the connotation in the public's mind.

Mr. WINTER. Do you know anything that is wrong with the dry-milk solids, where the fat has been removed, as a food product?

Dr. HOLM. No; I do not think I do.

Mr. WINTER. Well, then, what difference would it make, what you call it?

Dr. HOLM. So far as I am concerned, it does not make any difference. I am just looking at it from the standpoint of the consumer.

Mr. WINTER. If it will help the dairy industry and the trade in general and not delete the product of any of its qualities by changing this name, who is going to get hurt by it?

Dr. HOLM. Nobody.

The CHAIRMAN. I would like to ask you a question.

Dr. HOLM. I am perfectly willing that a change should be made.

The CHAIRMAN. I would like to ask you another question. Would you want to label that to show the percentage of fat that remained in this separated dry milk?

Dr. HOLM. Yes. I do not think it would do any harm.

The CHAIRMAN. Is there any necessity for it?

Dr. HOLM. Well. I do not know whether there is or not.

The CHAIRMAN. The present label "skim milk" does not indicate the amount of fat that is in the skim milk?

Dr. HOLM. Skim fluid milk; no, it does not.

The CHAIRMAN. No, the label that is required by the present regulations. Does it require information to the customer as to the amount of fat that remains in the dry skim milk?

Dr. HOLM. No, I do not think it does.

The CHAIRMAN. No. Why should a label that is applied to defatted solids show that fact when it is not provided by the present regulations as to skim milk?

Dr. HOLM. It probably should not. I do not know.

The CHAIRMAN. Yes. Well, do you conceive of any harm to the consumer that there might be 1 percent of fat left in dry milk solids?

Dr. HOLM. None at all.

The CHAIRMAN. So he would not be harmed by a notation of that fact on the label?

Dr. HOLM. No, I do not think so.

The CHAIRMAN. Now, as to the quantity of moisture, does the label, as to skim milk, show the remaining amount of moisture in the dried-milk product?

Dr. HOLM. No, I do not think it does, as I remember it.

The CHAIRMAN. Do you think there is any necessity for showing it?

Dr. HOLM. No. I think there is a necessity of having a legal standard for moisture.

The CHAIRMAN. Well, that is taken care by your regulations, is it not?

Dr. HOLM. Yes.

The CHAIRMAN. Which is, I think, a very proper thing. In that respect I think it was important, because anybody who wants to know, can, by resort to the regulations find out exactly what is required.

Dr. HOLM. That is right.

The CHAIRMAN. Now, is there any greater necessity for that as to defatted milk solids than there is as to skim milk, so far as informing the consumer is concerned?

Dr. HOLM. No, I do not think there is.

The CHAIRMAN. Well now, Doctor, you have been associated with the Agricultural Department for a long time and I take it that you know there is nothing more common in the regulation of foods from the standpoint of determining the quality or the identity than to permit tolerances. Tolerances are everywhere permitted, are they not?

Dr. HOLM. Yes.

The CHAIRMAN. And must of necessity apply also to this product.

So when you have a defatted milk solid, that means that the fat is removed, but will allow that tolerance. Is that not about what it amounts to?

Dr. HOLM. Oh, yes.

The CHAIRMAN. I think that is all.

Mr. O'HARA. Mr. Chairman.

The CHAIRMAN. One more question. I have here a label that I presume conforms to the requirements of the Food and Drugs Administration in reference to "Dan Dee" bread. It shows the ingredients as "wheat flour, lard shortening, eggs, nonfat milk solids, baking powder, salt, artificial flavoring, and corn sirup." Now, do you think there is any deception about that nonfat milk solids on this label?

Dr. HOLM. As I said awhile ago I think some people would think it was absolutely free from fat and others would think it probably was substantially free from fat.

The CHAIRMAN. But would you not agree, Doctor, that there is nothing more certain in the world than that it is impossible to give a precise scientific definition of all of these food products that must be sold under tolerances?

Dr. HOLM. I think you are right.

The CHAIRMAN. That is all.

Mr. O'HARA. Mr. Chairman.

The CHAIRMAN. Mr. O'Hara.

Mr. O'HARA. Doctor, it is true, is it not, that it is your view that the term "defatted milk solids" or "dehydrated milk solids," or "dehydrated defatted milk solids," would not be accurate; is that right?

Dr. HOLM. Would not be what?

Mr. O'HARA. Accurate; would not be an accurate term, as I understand your testimony.

Dr. HOLM. From a purist point of view; yes.

Mr. O'HARA. From a purist point of view is the term "skim milk" proper?

Dr. HOLM. No.

Mr. O'HARA. It is actually separated milk, is it not?

Dr. HOLM. Well, what is the difference? I do not see any difference between skim and separated.

Mr. O'HARA. I think the process is entirely different.

Dr. HOLM. The mechanical process; but the fundamental physical law concerned in both of them is the same.

Mr. O'HARA. I am not talking from the purist's viewpoint. Skim milk is obtained from an entirely different process than separated milk—the usual process of mechanical separation of the cream from the milk. Is that not true?

Dr. HOLM. That is true; but the scientist does not stop there.

Mr. O'HARA. Then, that would not be an accurate term, would it, to call it skim milk; if it is separated milk it is not skim milk, is it?

Dr. HOLM. Skim milk?

Mr. O'HARA. Just answer that question, Doctor. Separated milk is not skim milk in the technical sense of the term, is it?

Dr. HOLM. Not in the technical sense, because the technical process used is different; but I only wish to emphasize that the physical law on which the two processes depend is the same.

Mr. O'HARA. Yes; the interpretation of the law, Doctor, depends upon who is administering it, and I am trying to point out that when you get to the technical or become a purist, that you run into difficulty



right in this terminology as applied to this product. Is that not true, both as to the word "defatted" and "dehydrated" or "skim"?

Dr. HOLM. I think you misunderstood what I had in mind when I said "law." I am referring to the physical law upon which the separation of the fat is dependent.

Mr. O'HARA. Well, Doctor, take the word "dehydrated," which means taking all of the water out. Let us take dehydrated skim milk. It is neither skim milk nor is it dehydrated in the sense that all of the water is taken out of it, is it?

Dr. HOLM. That is right.

Mr. O'HARA. There is still some water; still some fat in it, and in my view it is not skim milk; it is separated milk. So that none of those terms is accurate, are they, strictly from the purist's point of view?

Dr. HOLM. Why, we can skim it either by hand or by the separator.

Mr. O'HARA. Well, I say there is a difference whether you skim it in the common ordinary sense of skimming or whether you mean in the mechanical sense of separation by centrifugal force as we do in handling milk. Is that not right?

Dr. HOLM. I think the public accepts either one.

Mr. O'HARA. Now, Doctor, is your department down there for the purpose of aiding the third greatest industry in the country or trying to keep it back?

Dr. HOLM. It certainly is. We have done——

Mr. O'HARA. You mean it is certainly there to aid?

Dr. HOLM. To aid them.

Mr. O'HARA. Well, now, what is the attitude of your department—and probably I should say of yourself—when we have a situation here where we are trying to be practical, and when you get down to the purist point of view, the term which has been used by the department is not actually from the purist point of view accurate. The industry itself and the producers, most of the producers, feel that it is a deterrent in the sales. Now, what we are trying to arrive at is the practical proposition of calling it some name that is fair; that is honest; and yet that does not give it an inferiority to start out with. Now you take the position, I take it, that only the words "skim milk" are proper, or "dried skim milk"; is that it?

Dr. HOLM. No; that is not my view.

Mr. O'HARA. What is your view?

Dr. HOLM. My view is that we should not use any other name until we have one that is better than the one we have now.

Mr. O'HARA. All right, that is what we are trying to do now. Have you any suggestions?

Dr. HOLM. I am only trying to point out the differences in the proposed terms, contrasting them with the term we already have. I have no objection whatever to changing the name if we can find a suitable one.

Mr. O'HARA. Now, your whole life has been engaged in the chemical end of it, is that right?

Dr. HOLM. That is right.

Mr. O'HARA. You have never been engaged in the production or sale of this product?

Dr. HOLM. No, sir.

Mr. O'HARA. I was very much interested in the statement which you made that there had come into your office here in Washington and, as you assumed, various other experimental stations, requests for this product called "dry skim milk;" that is, these communications, whether they were upon scraps of paper or post cards and they wanted to buy this product. Is that right?

Dr. HOLM. That is right.

Mr. O'HARA. Now, what was done in order to transmit that information to those who had the sale of it? Was there ever any passing of that information or those requests over to those who are engaged in the sale of so-called "dry skim milk"?

Dr. HOLM. No. We answered directly to the one who made the request. Here is a mimeographed leaflet, setting forth the analysis of the products—the costs, how they are manufactured, the caloric value, the vitamin content, and its uses.

Mr. O'HARA. Did you give them any information where they could buy it?

Dr. HOLM. Oh, yes, sir; on the last page here we have listed a number of manufacturers from whom they can buy it. An article from a yearbook entitled "Skim milk in dry form has various uses," is usually also sent to the individual. This article covers the use of dried milk and its properties and so forth. Sometimes we write a letter and enclose some recipes, and so forth, so that the consumer can ascertain how to use the product.

Mr. CHAPMAN. Mr. Chairman, may I ask that that be included in the record?

Mr. O'HARA. Just let me finish.

Mr. CHAPMAN. Excuse me. I just wanted to ask, Mr. O'Hara, that that be included in the record.

Mr. O'HARA. Oh, yes; by all means. We must have that.

The CHAIRMAN. I believe that is in the record.

Mr. O'HARA. If it is not in, we should have it in.

You went to Carleton College, Doctor?

Dr. HOLM. Yes, sir.

Mr. O'HARA. That is, you took part of your education there?

Dr. HOLM. Yes, sir.

Mr. O'HARA. That is a great dairy section, is it not?

Dr. HOLM. Yes, sir.

Mr. O'HARA. There are two colleges there, St. Olaf's College, and Carleton College?

Dr. HOLM. That is right.

Mr. O'HARA. And that town picked out "Cows, Colleges, and Contentment," I believe as its slogan.

Dr. HOLM. I did not know that.

Mr. O'HARA. They got a lot of publicity on that slogan.

Well, do you not think the milk industry would be just a little happier if those who knew about it and who have to deal with this subject and with the sales and disposition of and advancement of the dairy industry, if they are dissatisfied with the term "skim milk"; do you not think that they would be happier with another term, and

do you not think that somebody has got to try and find some name which is fair; which meets both the public need and the producer's need a little better than what the situation has been? Do you not feel that that has got to be done?

Dr. HOLM. I think if the demand is strong enough it might be done. I have no objection to it.

Mr. O'HARA. Well, the industry has been trying to do it for some years, as I understand it.

Dr. HOLM. But as I have stated, that term should be better than the one we already have. That is my main point.

Mr. O'HARA. That is all I have, Mr. Chairman.

The CHAIRMAN. We thank you, Doctor.

Dr. HOLM. Thank you.

Mr. CHAPMAN. Mr. Chairman.

The CHAIRMAN. Mr. Chapman.

Mr. CHAPMAN. Dr. Holm, let me ask you a few questions. Would it be as honest a label to label that "dried buttermilk" you were talking about as "dry milk solids" as it is to label "dried skim milk" as "dried milk solids"?

Dr. HOLM. The analysis of dried buttermilk is such that if we are not too purist in our thoughts, the content of the proteins, lactose, and ash, might be considered approximately that of dry skim milk.

Mr. CHAPMAN. Thank you.

The CHAIRMAN. Well, Doctor, there would be a clear distinction between dried milk solids if you intended the whole product, dry milk solids, and the other product was defatted milk; would there not? That is, the label should show whether it is dry whole milk or only part of the milk that is dried, I take it. You see, dried milk would not indicate specifically whether it was whole milk or a part of the milk. So the label should show that distinction.

Dr. HOLM. Yes.

The CHAIRMAN. Thank you.

Dr. HOLM. Thank you.

(The mimeographed leaflet referred to is as follows:)

#### UNITED STATES DEPARTMENT OF AGRICULTURE

#### AGRICULTURAL RESEARCH ADMINISTRATION BUREAU OF DAIRY INDUSTRY

#### DRIED MILKS

George E. Holm, Division of Dairy Research Laboratories, Bureau of Dairy Industry, United States Department of Agriculture

#### PRODUCTION OF DRIED MILKS

The manufacture of dried milks, other than malted milk, is one of the relatively recent developments of the dairy industry. The last 15 years have been marked by a steady increase in the utilization of and demand for these products, and today they are manufactured to some extent in practically every State. Table 1 shows the production of dried milks in the United States during alternate years of the period from 1930 to 1940, inclusive, as reported by the Bureau of Agricultural Economics and the Agricultural Marketing Service of the United States Department of Agriculture.

TABLE 1.—*Production of dried milks in the United States, 1930-40*

Product	1930	1932	1934	1936	1938	1940
	<i>Lb.</i>	<i>Lb.</i>	<i>Lb.</i>	<i>Lb.</i>	<i>Lb.</i>	<i>Lb.</i>
Dried skim milk.....	260,675,000	270,194,000	294,935,000	349,550,000	449,039,000	481,743,000
Dried whole milk.....	15,440,000	11,983,000	15,869,000	18,180,000	21,496,000	29,409,000
Dried cream.....	400,000	80,000	65,000	178,000	40,000	54,000
Dried buttermilk.....	64,601,000	48,712,000	53,636,000	50,781,000	63,910,000	67,931,000
Malted milk.....	22,691,000	13,215,000	13,569,000	18,495,000	15,394,000	20,021,000

Dried milks are also produced to some extent in New Zealand, Canada, Australia, England, and France.

The price of these products varies with the average market price of milk and butterfat and hence is subject to considerable fluctuation over a period of years. In table 2 are given the weighted average wholesale market prices for each of a number of years. Figures are not available for dried cream and malted milk.

TABLE 2.—*Average wholesale prices of dried milks (cents per pound)*

Product	1930	1932	1934	1936	1938	1940
Dried whole milk.....	23.90	15.41	14.30	18.23	15.57	16.03
Dried skim milk.....	6.72	3.87	5.37	8.28	4.92	6.21
Dried buttermilk.....	6.55	3.35	4.28	7.05	4.16	5.38

#### PROCESSES OF MANUFACTURE OF DRIED MILKS

Approximately 9 pounds of dried skim milk, 12.5 pounds of dried whole milk, or 8.5 to 9 pounds of dried buttermilk can be manufactured from 100 pounds of the respective liquid product. Approximately 28 pounds of dried cream can be manufactured from 100 pounds of fluid cream (testing 20 percent fat).

*Atmospheric drum process.*—Steam heated drums are so arranged and operated that partially condensed milk is spread in a thin layer on the outer surface. During the revolution of the drums the adhering film of milk dries and is then scraped off. This dry film is reduced to a powder by revolving brushes or other grinding devices.

*Vacuum drum process.*—This is really the roller process with the roller or drum enclosed in a chamber which is maintained at a partial vacuum during the drying operation, thus making it possible to dry milks at temperatures below their respective normal boiling points.

*Spray process.*—The fluid milk, sometimes partially condensed, is sprayed into a current of heated air which removes the water and leaves the milk solids as a finely divided powder. Various devices are used to separate the powder from the air.

*The flake process.*—Partially condensed whipped skim milk is spread on a wire belt which passes through a heated chamber wherein currents of hot air are directed against it. The dried product is removed from the belt in the form of flakes.

#### MANUFACTURE OF MALTED MILKS

Malted milk is made by condensing and drying a mixture of whole milk and liquid obtained from a mash of ground barley malt and wheat flour, with or without the addition of sodium chloride, sodium bicarbonate, and potassium bicarbonate; the mash having previously been treated in such a manner that the full enzymic action of the malt extract is obtained.

Barley grain is allowed to germinate and is then dried at a low temperature to preserve its diastatic activity. A mash of this grain, ground to a powder, and wheat flour is allowed to react at a favorable temperature (70° to 75° C.) until the starch has been converted into dextrin and maltose. The barley husks are separated from the liquor, which is then mixed with whole milk and the mixture condensed and dried.



## COST OF DRYING MILKS

The cost of manufacturing dried milks will vary with the efficiency of the process used, the cost of the fuel, and with various local conditions.

In selecting the type of drier, therefore, the qualities desired in the product, the labor involved in plant operation, the efficiency of the process in recovering the product, and the utilization of heat should be considered.

It is usually considered that a skim-milk drying plant cannot be operated efficiently with less than 30,000 pounds of skim milk daily. Many of the units in operation at present have a capacity of 50,000 pounds.

Recent estimates have placed the cost of drying milks at approximately 2 cents per pound of dry product, the cost depending upon the efficiency of the process used and the amount of solids in the product to be dried. To this must be added the cost of the product to be dried and in some instances the royalties paid to the manufacturers of the type of drier used.

## NUTRITIVE VALUE OF DRIED MILKS

The following table gives the approximate composition of various dried milks.

Table 3.—Approximate composition of dried milks by percent

Product	Fat	Protein	Lactose	Maltose	Dextrine	Fiber	Ash	Moisture
Dried skim milk	1.60	38.00	50.00	—	—	—	8.40	2.60
Dried whole milk	28.65	26.91	36.50	—	—	—	5.94	2.00
Dried cream	65.15	13.42	17.86	—	—	—	2.91	.66
Dried buttermilk <sup>1</sup>	5.87	38.74	39.91	—	—	—	7.68	1.93
Malted milk	8.00	14.00	—	71.30	—	0.20	3.50	3.00

<sup>1</sup> Lactic acid, 5.87 percent.

<sup>2</sup> Equals lactose plus maltose plus dextrine.

Milk constituents are readily assimilable, and therefore milk products are extremely valuable in the diet of children and adults, and in the feeds of growing animals. An analysis of average whole milk indicates that the ratio of proteins to fat is approximately 1:1.08, while the ratio of sugar to fat is approximately 5:3.8. The relative biological caloric value of the constituents as foods would be as given in table 4.

Table 4.—Relative total caloric value of constituents in fluid whole milk

Constituents	Parts per 100 parts milk	Heat of combustion (calories per gram)	Relative total caloric value	Approximate percentage of total
Fat	3.8	9	34.2	50+
Protein	3.5	4	14.0	} 50—
Sugar (lactose)	5.0	4	20.0	
Salts	.8	—	—	—

The high energy value of the solids-not-fat is clearly indicated by the figures. However, energy values alone do not indicate the entire value of skim milk solids as a food. Foods are needed not only because they furnish energy but because they furnish material with which old tissues are repaired and new tissues are formed. The salts of milk, though lacking in caloric value, are especially valuable in this respect. Their readily metabolizable calcium and phosphorus compounds make these solids especially valuable constituents in the diet of children and adults, and in the feeding of growing animals.

All of the vitamins known to be essential in human nutrition have been found in milk—not always, however, in optimum proportions. Milk from cows on pasture or on rations that contain good quality hays or silages rich in carotene is an excellent source of vitamin A. This vitamin promotes the normal differentiation and development of the cells of the epithelial membranes and of the glandular organs of similar origin in the body, and thus prevents the develop-

ment of pathological conditions which frequently involve infections. Such conditions may affect the respiratory, digestive, or genito-urinary tracts, the nervous system, the eyes, the development of the teeth; also nightblindness and failure to grow may result from a deficiency of vitamin A in the diet.

Milk also contains the various B vitamins known to be necessary in human nutrition, such as vitamins B<sub>1</sub> (the antineuritic vitamin now called thiamin), B<sub>2</sub> (riboflavin), B<sub>6</sub> (pyridoxine), and the pellagra-preventive vitamin now known to be nicotinic acid. Vitamin C, the antiscorbutic vitamin, now called ascorbic acid, is present in very constant amount in fresh milks, but is destroyed to some extent during the storage and processing of milk, so that a supplement containing vitamin C is very desirable in infant feeding. The calcium, phosphorus, and vitamin D (antirachitic) contents of milk favor proper calcium assimilation, although an increase in the vitamin D content of the diet above that supplied by milk is said to improve this condition with children that are exposed very little to sunlight. Cows that are outdoors in summer produce milk richer in this vitamin than do those kept under winter conditions.

From a consideration of the research work done to date on the vitamin content of dried milks, it may be said that the approved process of drying now used does not expose the product to high enough temperatures or for a sufficient period of time to affect materially any of the vitamins except the antiscorbutic vitamin C, in some cases. This vitamin is abundant in most vegetables and citrus fruits, which should be a part of every diet whether the milk used is a liquid or dried product.

In the feeding of infants and growing children the diet should also be supplemented with sources of vitamin D, such as cod-liver oil and egg yolk, and the individuals should be subjected frequently to direct sunlight.

*Curd formed by dried milk.*—Liquid milks differ in the toughness of the curd they form when coagulated by acids, and the degree of the curd-strength of a milk seems to be of some importance in the feeding of infants.

The drying of milks by processes that use low temperatures and produce soluble products does not materially change the type of acid curd that the reconstituted milks will form. However, when milk is dried at high temperatures a somewhat insoluble product is formed, the reconstituted milk of which coagulates in a flocculent mass with the addition of acid. For infants who cannot tolerate other milks this product is sometimes of special value.

#### USE OF DRIED MILKS

*Malted milk.*—Practically all malted milk is marketed in containers of relatively small sizes containing quantities of the product suitable and convenient for use by confectioners and families and at soda fountains. Aside from its use in drinks of various kinds, it is also used to some extent in bread and candies.

*Dried buttermilk.*—Limited amounts of dried buttermilk are sold to bakers and manufacturers of prepared foods. The great bulk of this product is sold for use in animal and poultry feeds. In recent years, sweet-cream buttermilk has been manufactured in some quantity. This product has found new uses in ice cream mixes and confections.

*Other dried milks.*—A large part of the other dried milks—dried skim milk, dried whole milk, and dried cream—is used by bakers, confectioners, and ice cream manufacturers. Recently small quantities have found their way into the retail trade.

Large quantities of dried skim milk are used in the manufacture of bread and ice cream. Considerable quantities of the lower grades of dried skim milk, and some of the better grades, are used in poultry and animal feeds. This product, as well as dried whole milk and dried cream, insures the consumer of a ready source of milk solids of good quality and a product which can be handled and stored economically, and which is convenient to use. These advantages over the fluid products make them valuable assets in the ice cream, baking, milk chocolate, and other industries, wherein milk solids are used. This is especially true in the areas of low milk production.

#### METHOD OF RECONSTITUTION OF DRIED MILKS

To prepare a fluid milk from the dry product, sprinkle the product slowly upon the surface of warm water kept in constant agitation. Ten pounds of dried skim milk or dried buttermilk, or 14.5 pounds of dried whole milk, added to 100 pounds of water, will produce reconstituted milks of approximately normal concentrations. In household use a volume basis of measurement may be used.

One cup of dried skim milk or a rounded cup of dried whole milk to one quart of water, or  $\frac{1}{4}$  cup of dried skim milk or slightly more than  $\frac{1}{4}$  cup of dried whole milk to 1 cup of water is approximately the correct proportion of the ingredients.

#### KEEPING QUALITY OF DRIED MILKS

The ability of a dried milk product to withstand changes in its constituents, which produce off odors and flavors, depends to a large degree upon the freshness of the product from which it is made. A supply that is as fresh as possible should be used. Secondly, the dry product should be low in its initial moisture content and so guarded by packing in tight containers and by storage in a relatively dry atmosphere that it remains at or near this low moisture value.

The figures in table 3 showing the moisture content of the various dried milks are not excessive in value. Dried whole milk, dried cream, and dried buttermilk are difficult to keep in a fresh condition. They should be stored in tight containers at as low a temperature as possible. Only limited supplies of these should be kept on hand. In the case of dried skim milk and malted milk the storage temperature is not so important, although it should always be below normal room temperature.

#### DEFINITIONS AND STANDARDS

Under the Federal Food, Drug, and Cosmetic Act of 1938, the following standards for dried skim milk were promulgated in July 1940:

*Dried skim milk, powdered skim milk, skim milk powder*.—*Identity*.—Dried skim milk, powdered skim milk, skim milk powder, is the food made by drying sweet skim milk. It contains not more than 5 percent of moisture, as determined by the method prescribed in Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists, fourth edition, 1935, page 282, under the caption "Moisture—tentative." The term "skim milk" as used herein means cows' milk from which the milk fat has been separated.

The following advisory definitions and standards for other dried milk products were issued by the Food and Drug Administration in November 1936.

*Dried milk*.—The product resulting from the removal of water from milk. It contains not less than 26 percent of milk fat and not more than 5 percent of moisture.

*Malted milk*.—The product made by combining whole milk with the liquid separated from a mash of ground barley malt and wheat flour, with or without the addition of sodium chloride, sodium bicarbonate, and potassium bicarbonate, in such a manner as to secure the full enzymic action of the malt extract, and by removing water. The resulting product contains not less than 7.5 percent of butterfat and not more than 3.5 percent of moisture.

Dried cream and dried buttermilk have not been defined.

#### LITERATURE

A comprehensive discussion of all dry milks, their methods of manufacture and properties, may be found in O. F. Hunziker's book, *Condensed Milk and Milk Powder*, published by the author at La Grange, Ill. Through this medium may also be found references to scientific articles dealing with the nutritive value and keeping quality of these products.

#### MANUFACTURERS OF MILK DRIERS

Among the manufacturers of milk drying equipment are:

*Spray processes*.—Allied Process Corporation, 25 West Forty-third Street, New York, N. Y. (Krause process); F. H. Douthitt Corporation, 221 North LaSalle Street, Chicago, Ill. (Gray-Jensen process); C. E. Rogers, 8731 Witt Street, Detroit, Mich. (Rogers process).

*Roller processes*.—Buffalo Foundry and Machine Co., 1635 Fillmore Avenue, Buffalo, N. Y.; Chemical and Vacuum Machinery Co., Inc., 1608 Main Street, Buffalo, N. Y.; Collis Products Co., Clinton, Iowa, and St. Paul, Minn.

#### MANUFACTURERS OF DRIED MILK PRODUCTS

Some of the manufacturers of dried milks are: Arden Farms, 1914 West Slauson Avenue, Los Angeles, Calif.; Abbott's Dairies, Inc., Cameron, Wis.; Borden Co., 350 Madison Avenue, New York, N. Y.; Consolidated Dairy Products Co., 635 Elliott Avenue, Seattle, Wash.; Dairymen's League Cooperative



Association, 11 West Forty-second Street, New York, N. Y.; Golden State Products Co., Ltd., 425 Battery Street, San Francisco, Calif.; Hershey Creamery Co., Harrisburg, Pa.; Land O'Lakes Creameries, Minneapolis, Minn.; Lansing Dairy, Lansing, Mich.; M & R Dietetics Laboratories, 5854 Cleveland Avenue, Columbus, Ohio; Milk Producers Association of Central California, 510 Ninth Street, Modesto, Calif.; National Dairy Products Co., 75 East Forty-fifth Street, New York, N. Y.; Producers Creamery Co., Springfield, Mo.; Roberts Dairy Co., 2901 Cuming Street, Omaha, Nebr.; Texas Milk Products Co., Mount Pleasant and Marshall, Tex.; Twin City Milk Producers Association, 2402 University Avenue, St. Paul, Minn.

NOTE.—The Department cannot undertake to give a complete register of the firms handling or manufacturing drying equipment or manufacturing dried milk products, and no discrimination is intended if the name of any firm has been omitted.

The CHAIRMAN. Mrs. Howard.

**STATEMENT OF MRS. ERNEST W. HOWARD, REPRESENTING THE DISTRICT OF COLUMBIA FEDERATION OF WOMEN'S CLUBS, WASHINGTON, D. C.**

Mrs. HOWARD. Mr. Chairman and members of the committee.

The CHAIRMAN. About how much time will you need, Mrs. Howard?

Mrs. HOWARD. Not very much; it is such an old story and we have been through it so many times before.

The CHAIRMAN. Mrs. Howard, if you will give your name and whom you represent.

Mrs. HOWARD. I am Mrs. Ernest William Howard, chairman of the division of bills in Congress, District Federation of Women's Clubs, and I should like to read into the record the action of the District Federation of Women's Clubs in regard to the changing of the name of "skim milk, dry skim milk."

As consumers, the women of this country buy between 80 and 90 percent of the goods manufactured in this country. The consumers are more and more interested in what is put on the label. This bill goes back to 1940 when a letter was sent by the Federation to Mr. Paul V. McNutt, which letter I would again like to have incorporated in the record.

The Honorable PAUL V. McNUTT,  
*Federal Security Administrator.*

MY DEAR SIR: The District Federation of Women's Clubs are strongly in favor of truthful and informative labeling; therefore, we urge that in your ruling, effective October 10, that dry skim milk be called dry skim milk.

Such a label as defatted milk is almost obnoxious, and truthful labeling will not prevent the consumer who prefers dry skim milk from buying it, but it will protect the consuming public from misbranding.

We do not believe the children of America, nor the underprivileged should be exploited for the sake of a trade name. These names are competitively valuable to the owners only.

There should be no mystery as to the content of any food, and there should be enough factual information to allow the consumers to decide for themselves, the foods best suited for their individual needs.

Truthful and informative labeling, such as dry skim milk should be welcomed by all honest manufacturers and dealers. We do not see how the consumer can take any other stand other than honest labeling and honest business, both so closely interwoven and both of which will provide a bulwark of consumer confidence throughout the consumer world.

Mr. Chairman, among the first standards promulgated by the Federal Food, Drug, and Cosmetic Act, was the standard of truth in



labeling, and one of the things we, as consumers, want to stand for, with no exceptions.

We all know what dry skim milk is, and what powdered milk is. We know that skim milk is not only used for what little fat content there is in it but for the calcium, the phosphorus, and the vitamin A, that is bone building, muscle building, and body building.

We all know what skim milk is, and we believe that that name is familiar to consumers, and that they do, and will readily use it. We do not believe that the standards of the Pure Food, Drug, and Cosmetic Act should be torn down in any one instance. We believe that in this case, it is merely one brazen instance of asking Congress to legislate a trade name, and to misbrand nature's greatest food, milk.

We do not believe, whether under lend-lease, where it is sent to foreign countries, to the Army, or to ice cream or bread makers, that dry skim milk will be at any disadvantage, by calling it dry skim milk, or powdered skim milk.

We are opposed to this bill, wholeheartedly. We do not think that this sort of legislation should ever exist. For surely, if you begin misbranding one food, you will be called back here many, many times in committee for other brands of food to call them by some other name, or in order to create sales, and other concealing purposes.

This attempt to conceal the identity of dry skim milk is not new; it is the last great struggle of certain interests.

Mr. Chairman, since 1932 I have been attending milk hearings of one kind or another.

I have heard the proponents state that the farmers are very anxious to have this bill passed, it is the first milk hearing I have ever attended and have not had the privilege of seeing farmers in attendance. The last one I attended was just about a month ago. I talked with many farmers on many questions. Right now, of course, the farmers are interested particularly in where they can get more milk—to supply more skim milk.

Mr. Chairman, this is definitely a trade name; procedure.

I should like to incorporate in the record the opinion, handed down by Mr. Chief Justice Stone, United States Supreme Court, that was given March 1, 1943, in a case of the *Federal Security Administrator v. The Quaker Oats Company*.

I could take up a lot of your time and read this to you. However, I should like to incorporate it into the record, and respectfully request, that before you act upon this question, that each member of this committee, will read this decision, which is definitely in favor of informative labeling, and most of all, truthful labeling.

The CHAIRMAN. Pretty much of it has already been read into the record.

Mrs. HOWARD. Of the decision?

The CHAIRMAN. That decision; yes. I presume it covers the points you have in mind.

Mrs. HOWARD. I did not hear it read into the record.

The CHAIRMAN. Well, it was read in, I believe, day before yesterday.

Mrs. HOWARD. I should like to call your attention to this wrapper that I took from a loaf of bread this morning made by the General Baking Co., and of course you all know what that company is. I do

not need to give any sales talk on it, but it says here that this bread is made up of certain ingredients and skim milk solids, which did not prevent me from buying three loaves of it, which I do every day.

The CHAIRMAN. That is dry milk solids; does it say dry milk solids?

Mrs. HOWARD. Yes; dry skim milk solids.

Mr. BULWINKLE. It says "skim milk solids."

Mrs. HOWARD. And in the different medical journals and consumer magazines you will see the Medical Association's endorsement of such bread and using this label.

The CHAIRMAN. You think that is put on to conform to the wishes of—

Mrs. HOWARD (interposing). What I mean is, the fact that skim milk solids is put on the label does not prevent people from buying Bond bread simply because it has skim milk in it.

The CHAIRMAN. But the question is whether more people would buy it.

Mrs. HOWARD. I beg your pardon?

The CHAIRMAN. You have no knowledge as to whether more people would buy it without that on the label?

Mrs. HOWARD. Oh, no. I think that is entirely too big a question for our organization to decide without a specific survey.

Mr. O'HARA. Might I ask a question?

The CHAIRMAN. Mr. O'Hara.

Mr. O'HARA. How many people do you think read a label like this label on bread?

Mrs. HOWARD. I think not too many people read the label. I think that they go by trade names and taste. I think that the people that these manufacturers and interests are here pleading for, the reason for this change; that is, the undernourished and the underprivileged; why, I don't believe that those people give a whoop what is on the label, and I do not believe that they care whether it contains dry skim milk or whether it is nonfatted solids, because the undernourished and underprivileged want good food and more of it, not trade names.

The CHAIRMAN. Mrs. Howard, when 33,000,000 people of the country do not use milk in their diet, do you not think that it is important to extend the consumption of milk?

Mrs. HOWARD. I think it important now, with exports and lend-lease, that more dried milk be manufactured; but I do not think that dry skim milk makes too much difference in this country. In Missouri, my own State, it was distributed a great deal in relief work, and I had occasion to test a pound of it to see what it was really like. In fact, I will be specific and say I made biscuits with it and actually ate them. It was very good, and it certainly was a fine baking assistant, and I do not believe anyone would object to using dried skim milk because of name. I think they know what dry skim milk is, and I think that is just the only name for it. And I challenge the statement; I really challenge with all respect the statement made here that there is anyone in this country who would refuse to buy dried skim milk because the word is skim.

Mr. BECKWORTH. Mr. Chairman.

Mr. O'HARA. You heard Dr. Wilder, did you not?

Mrs. HOWARD. Yes; I heard Dr. Wilder.

MR. O'HARA. You heard what Dr. Wilder said about his patients, and he is a physician from Mayo Clinic.

Mrs. HOWARD. I will grant—

MR. O'HARA. Just let me finish my question, please. He has been and is a nutrition expert. He is a doctor. And he told us at least of his own experience with his patients not wanting to use dried skim milk because of their feeling against the word "skim." Did you hear that?

Mrs. HOWARD. I did hear that and I am glad you brought that up. I was a nurse in the First World War and I might be able to know something about those things, too. In the first place we very seldom tell our patients what they are getting, especially if they are patients.

MR. O'HARA. You mean the nurses?

Mrs. HOWARD. Nor did the doctors. That is considered very poor ethics.

MR. BULWINKLE. You put their food on a tray and they eat it.

Mrs. HOWARD. Yes; they are not questioned at all.

MR. BULWINKLE. And then they are—

Mrs. HOWARD (interposing). I have had experience in hospitals. Also an education in nutrition, and I do know that never has dried skim milk ever been challenged because of its name. It has been used in all sorts of cooking and diets of all kinds.

I heard Dr. Wilder and I am sure he impresses you being from Mayo's clinic. After all it is his personal opinion. He has a right to it.

I would like to call your attention to the Nelson Clinic of Beverly Hills, Calif. Dr. Nelson has written here an entirely disinterested article and is alarmed at the story of milk.

Milk, according to scientists, and experiments, is being used, very widely in the treatment of nervous diseases. And that part of skim milk that is so beneficial is calcium.

MR. O'HARA. Calcium is a bone builder?

Mrs. HOWARD. Yes. And you understand, too, that it has many other nutritional and chemical values.

THE CHAIRMAN. Mr. Beckworth.

MR. BECKWORTH. I was interested in your comment with reference to the interest of the dairy farmers in this. It is your feeling that they are not particularly interested?

Mrs. HOWARD. Not at all. As I have told you, this is not the first hearing on this subject. It is not certainly the first time nor will it be the last.

The farmers are not interested in it at all. It would simply be in the trade. There will be many ways that, just as I have read in my statement, there will be concealed purposes. I can truthfully say, if the farmers were interested they would be here today, and every chair would be filled.

MR. BECKWORTH. Right along that line, if you do not think that it will benefit the dairy farmers, whom do you think it will benefit?

Mrs. HOWARD. The manufacturers of dry skim milk.

MR. BECKWORTH. I just wanted to get your opinion.

THE CHAIRMAN. How would it help the manufacturers?

Mrs. HOWARD. Trade purposes.

THE CHAIRMAN. What trade purposes?

Mrs. HOWARD. Certain kinds of trade purposes.

The CHAIRMAN. They will sell more?

Mrs. HOWARD. You see—I beg your pardon.

The CHAIRMAN. Would they sell any more because of this?

Mrs. HOWARD. No; I do not believe that they will sell as much.

The CHAIRMAN. How will it help then?

Mrs. HOWARD. You see, they do not let us in on everything and I am sure that you realize the certain way that it would help the manufacturers. I think the farmers would all be left out just about like they are today.

The CHAIRMAN. Do you know, or do you not know, how it would help the trade?

Mrs. HOWARD. Yes; I think I know.

The CHAIRMAN. Well, what is it?

Mrs. HOWARD. It could be sold, if they did not have to say “dry skim milk”; it could be sold as powdered whole milk, instead of skim milk. I think that you all are quite familiar with what would be done.

The CHAIRMAN. Do you not recognize that the man in business likes to sell the product that best pleases his customers, and that man succeeds or fails in business to the extent that he satisfies his customers.

Mrs. HOWARD. Oh, yes, I recognize that fact.

The CHAIRMAN. Then, why is it if there is something wrong about this, if it will not increase the sales of the manufacturer or the dealer, why is it that they want to change the name?

Mrs. HOWARD. I do not believe that there is any complaint about dry skim milk by consumers. I do not believe that you have a store-keeper, and you certainly have not had a consumer, in here to tell you that he has been prevented from buying dry skim milk because he cannot stand the name of skim milk. I think that if it is as serious as all that, the proponents would have those people in here. I believe that they would be here. They come in after everything else they want. In fact, every hearing that I have attended, they have always had that interested party present. I am advised, and can see for myself that not one consumer or real farmer has appeared for this bill.

Mr. O'HARA. Do you not think that the sale of this milk by the industry would naturally help the producers, the farmers?

Mrs. HOWARD. The sale of any milk helps the farmer.

Mr. O'HARA. Sales by the milk industry would?

Mrs. HOWARD. How is the industry going to sell that milk?

Mr. O'HARA. Where do they get the milk; let me ask you that.

Mrs. HOWARD. They get the milk from a cow.

Mr. O'HARA. The farmer brings that in, does he not?

Mrs. HOWARD. Yes.

Mr. O'HARA. So that if it helped this industry then it would help the farmer, would it not?

Mrs. HOWARD. Not necessarily, you see there are so many byproducts of milk, that benefit only the manufacturer, the farmer is never in on the profits of such products. We are beginning to work on the farmer like they do the poor. I have had to attend so many hearings where the blessed poor is commercialized. It has all been done in their name, and yet they never knew anything about it; and after the



hearings were over they never heard of the benefits; and now the farmer is being used along that same line.

Mr. O'HARA. Do you not think that if the farmer were able to sell what has been a waste product, such as skim milk, that that would be of benefit to him? Do you think that the industry is going to get all of the money?

Mrs. HOWARD. I think that is what they are doing today, and I think they will continue to do it, and that the farmer is not concerned at all about selling milk for powdered milk. In fact, what he is up against now is getting more milk. I think if you will read your papers, your small town papers, you will see that they are full of farm sales. What the farmers want today, is help and machinery, that is what I want to bring out. This is definitely not the time to want to change the name of skim milk. With the world afire as it is today I appreciate the fact that you gentlemen are giving only the mornings to this hearing so that you may be over there in your proper places giving attention to the things that are so needed today—not the changing of the name of skim milk. You can change many other innocent words. The proper use and true purpose of a word is all that matters.

Take the word "lover." That is a beautiful word, but oh, what it will do to you if it is used in the wrong way.

Mr. O'HARA. I would not know much about that.

Mrs. HOWARD. It is a very sordid word, used the wrong way; but I do not think anybody is going to come up here and want that word changed; and definitely, changing the name skim milk would be the beginning.

Mr. CHAPMAN. Mrs. Howard.

Mr. BULWINKLE. Mr. Chairman.

The CHAIRMAN. Mr. Chapman.

Mr. CHAPMAN. I have one question, Mrs. Howard. During all of the years that you and the many thousands of members of the organization for which you speak battled for the enactment of adequate food, drugs, and cosmetics legislation, did any of you ever conceive that the purpose of such legislation was for the promotion of the sale of any product or was it rather for the protection of the housewives and their families?

Mrs. HOWARD. It was for the protection of the consumer and the Administrator of the Food, Drugs, and Cosmetics Act could not do anything else; could not rule any other way unless he threw out entirely the intent of the act as passed by Congress. That is their business, to protect consumers. They are not in that business for helping, or giving trade names. That is entirely up to the manufacturer himself, because it benefits only the manufacturer. A trade name benefits only the manufacturer, not any other person, or any consumer.

We hope that the time given this bill will be very limited.

The women of America are too busy doing for our fighting men abroad, and we do not think that the men care whether it is skim milk or nonfat solids. The fact is that you have to have powdered milk over there, and if they know it is milk, that is all they want to know about it. The press stated some time ago that England would rather not accept powdered milk but preferred canned cream for their tea.

So I do hope, Mr. Chairman, that you will see fit to decide once, and for all, that there are too many other things of importance rather than changing the name of skim milk.

Mr. BECKWORTH. You just mentioned England. Have you heard that in order to distribute this powdered milk over there that it is necessary to repackaging it and label it "household milk"?

Mrs. HOWARD. No; I have never heard that. Although I would not be surprised at anything I would hear.

Mr. BECKWORTH. I was just wondering.

I believe that is all, Mr. Chairman, I have to say at this time.

The CHAIRMAN. We thank you.

Mrs. JOHNSON.

Mrs. JOHNSON. May I request that Mrs. Wiley be first—she is the chairman of the legislative committee for the General Federation. May Mrs. Wiley speak first?

The CHAIRMAN. You want to speak, too?

Mrs. JOHNSON. I want to speak after Mrs. Wiley speaks; yes. She is here and I want to talk too, and I will take but a few minutes after her.

The CHAIRMAN. We are crowded for time here this morning. We want to hear Mr. Campbell.

Mrs. JOHNSON. We will not talk more than 3 or 4 minutes.

The CHAIRMAN. Very well, we will hear Mrs. Wiley.

#### STATEMENT OF MRS. HARVEY W. WILEY, CHAIRMAN OF THE LEGISLATION OF THE GENERAL FEDERATION OF WOMEN'S CLUBS, WASHINGTON, D. C.

Mrs. WILEY. Mr. Chairman and gentlemen, I am Mrs. Harvey W. Wiley, widow of Dr. Harvey W. Wiley, known as the father of the pure food law. I am chairman of legislation of the General Federation of Women's Clubs.

The General Federation of Women's Clubs has a rule that resolutions can only be passed at its annual conventions. There are about 90 active resolutions now before the General Federation. While it is true that there is no active resolution at the present moment covering this actual bill, H. R. 149, I speak because back in 1906, Dr. Wiley paid tribute to the General Federation of Women's Clubs as one of the organizations which helped pass the original pure food law of that year. In his book entitled "The History of Crime Against the Food Law," he said on page 52:

All the great organized bodies interested in the health of the people, namely the American Medical Association, the American Public Health Association, together with the Patrons of Husbandry and the federated labor organizations of the country were actively engaged in promoting this measure. Perhaps the greatest and most forceful were the Federated Women's Clubs of America and the Consumers' League. They took up the program with enthusiasm and great vigor. Two of the leaders of this movement were Mrs. Walter McNab Miller, representing the Federated Women's Clubs and Miss Alice Lakey, representing the Consumers' League. Their services were extremely valuable.

In our convention of 1934 when the new food law was pending the General Federation of Women's Clubs passed another resolution endorsing in principle and purpose the Senate bill 2800. Senator Cope-

land's measure, and in the whereas part the resolution stated the belief of the federation is that the new measure is designed—

to preserve all the worth-while features of the old law, that it would extend the scope of the law \* \* \* and to insure truthful advertising of foods, drugs, and cosmetics.

That is the point about which I wish to speak very briefly. It is the thought of the women members of the general federation I am sure that the purpose of this law which they helped draft and defend is to protect the truthfulness of the label. They believe, as Dr. Wiley believed, that the law is intended to protect consumers, not manufacturers. Anyone who contends otherwise, I regret to say, must be swayed by some special interest in her own community.

We would be doing a disservice to the farming community, and to the dairy interests as well as to the people of the entire country if we allowed one of the basic principles of the pure food law, honesty in labeling, to be broken down and a statement put on the label of any food which did not accurately describe the contents of the package.

To call dry skimmed milk solids simply dry milk solids leaving out the word "skimmed" would be untruthful by implication. It would be contrary to what the women worked for in 1906 and what they contended for, for 5 years from 1933 to 1933, when the new law was passed.

The great principle of truthful labeling is so much more important than the doubtful benefit any industry might receive by misrepresentation that the comparison is as a mountain to a molehill.

The fact that there may be, in the minds of ignorant people, a prejudice against the word "skimmed" is a small matter. Let's get that prejudice removed by wise advertising by the Dairy Section, whose Chief spoke so ably yesterday, by the Bureau of Home Economics, whose former Chief, Dr. Stanley, spoke here a year ago and told this committee—

I would regret very much the change of the name "skim milk." Skim milk is a good food and most consumers know it and I think there is no prejudice against it. It is very high in food value and makes an important contribution to the nutritional program of the country.

It is particularly useful in dried form. I do not believe there is any consumer prejudice against the name "dry skim milk." We have used it repeatedly in publications. Here is a copy of one the title of which is "Dry Skim Milk" and we refer to it in that way in all our publications. I believe a change in the name will be more complicated and tend to confuse consumers as to the identity of the product.

In my mother's childhood tomatoes were known as "love apples" and were considered poisonous for human beings. That old prejudice has entirely passed away and today we regard the tomato as one of the chief sources of vitamin A and B<sub>1</sub>. That happened in the lifetime of one person. The dairy industry is as old as time. It ought not to fear supposed prejudice, which has been magnified to be a "bogy" and in the minds of only a portion of the people. It makes the almost perfect food.

I can recall when the popular breakfast food, the shredded-wheat biscuit, first came out. It was jokingly called the breakfast bath mit but the shredded-wheat corporation did not get discouraged. They sent agents from door to door and distributed shredded-wheat

biscuits for use as samples. Today it is a most popular food and no one questions its appearance or nutritional qualities.

So the great dairy industry, with millions of people interested in its continuance and prosperity, must make the term "dry skim milk" popular, by telling the value of this product as a food. I might say that I am interested in a milk farm in Virginia of 1,000 acres, which Dr. Wiley started in 1916 and which has had my interest and attention ever since, and Mr. B. B. Derrick of the Maryland-Virginia Milk Producers' Association can testify that I have on several occasions used my influence to take up the cudgels of the dairyman.

I earnestly hope this bill will not pass this committee, whether the members represent dairy constituencies or not. I realize full well that a Congressman must represent his constituency in the Halls of Congress. But it seems to me there are times when each Member of our Congress represents a larger constituency. There are times when sectional interests must give way to the general good. In a democracy, each must sacrifice for the good of all. That is the intent of our Constitution and the intent of the pure-food law. When it passed, many food manufacturers had to change their former practices. But the great canning industry bases its prosperity on the pure-food law. The excellence of its products attests their mighty effort to follow and obey the rulings laid down. Truth never hurt anyone. It is only the lack of candor that brings trouble in its wake.

Thank you.

Mr. PRIEST. Mr. Chairman, may I ask one question?

The CHAIRMAN. Mr. Priest.

Mr. PRIEST. Mrs. Wiley, I am very much interested in one statement you made which has been one of the most disturbing phases about this subject to me.

I have tried to study it all of the way through with an open mind entirely, and I have not yet formed a very definite opinion.

You made the statement, in your opinion, a change of the name now might be more confusing; might create more confusion than it would clarify and that is a phase of it that has appealed to me for this reason, largely:

I taught school for 7 years, and I have kept in close touch with the curricula of the public schools, and I know that in all of our public schools for a good many years the textbooks on health and hygiene and foods and nutrition, have carried a considerable amount of educational matter on the nutritive value of skim milk and it has been identified in the minds, I think, of thousands of pupils in our public schools and in our 4-H Clubs, the value of the product known as skim milk.

I wonder if you would care to elaborate any more on that subject. You seem to be so familiar with it. And, that has been to me one of the most disturbing features of the proposal to change it to any other name at all.

Mrs. WILEY. Well, as I quoted from Dr. Stanley, who has a number of degrees—and that Bureau has been in existence for a number of years—Dr. Stanley said to change the term now would lead to confusion. She is a woman who is a home-economics expert, and the only woman at the head of a bureau in the Department of Agriculture, and that is her statement.



I agree with you. I am sure that my two sons, who were brought up as any ordinary children, know what skim milk is, and they have no prejudice against it.

Why, of course, many housewives take a bottle of milk and take the cream off of the top and use it in their coffee. They do not throw the rest of the bottle away, and yet really that is skim milk.

I do not know that people have this prejudice. I do not know any of them.

Mr. PRIEST. Thank you.

Mr. BULWINKLE. Mrs. Wiley, do you not think that the term "defatted milk" would be more repulsive to anyone than skim milk?

Mrs. WILEY. Dr. Reed said yesterday it was not defatted.

Mr. BULWINKLE. I know, but I am talking about the term. I am not talking about the amount of fat left in it. Do you not think that the label "defatted milk" would be far worse than "skim milk solids"?

Mrs. WILEY. I would not know. Representative Bulwinkle, about that. I just like the plain, untarnished truth. That is all I am talking for. I like skim milk and I drink it and my children drink it, and we have no prejudice against it. We know perfectly well that it is pure; that it is the same milk with the cream off. Why anybody would object to it I do not understand.

Mr. O'HARA. Mr. Chairman.

The CHAIRMAN. Mr. O'Hara.

Mr. O'HARA. Technically, from the standpoint of the technical man, the chemist, and the purist, technically it is not skimmed milk.

Mrs. WILEY. Of course, Dr. Reed said yesterday whether you take a ladle and take the cream off, skim it off of the top, or run it through a separator and skim the cream off, it is still the same product.

Mr. O'HARA. Other witnesses said technically that that was not true; that it was not skimmed milk, that it was separated milk.

I mean, when we get into the maze of these technicalities. Is that not true, Mrs. Wiley?

Mrs. WILEY. I think that is true, Mr. O'Hara. I think you have a wonderful industry, and I am for it 100 percent; but just call the thing what it is. Don't change the name. We are going to do a lot of things differently before this war is over which we never did before. Before this war is over we are going to eat many things that we never ate before. Let us stick to skim milk, for what it is. It is a grand food. Don't be ashamed of it. Teach the people what it is.

Mr. O'HARA. You have a great industry, in which you are interested—you say that you have a dairy farm?

Mrs. WILEY. Yes.

Mr. O'HARA. And the dairy farmers are complaining about the fact that the term "skim milk" is a deterrent in the sale of it. I do not know. I am not engaged in the dairy business, nor in the sale of it; but these men who are engaged in the sale of it ought to know.

Mrs. WILEY. Well, if they will just see that the principle is so much bigger than their interest; the principle of honesty in labeling is so much more important. This is only one industry. If you get this bill through, then some other industry will come along and ask to have some other name changed.

Mr. O'HARA. We will have to meet that problem when it arises.

Mrs. WILEY. No; we must stick to the principle. Let us stick to the principles of this pure-food law.

Mr. O'HARA. It is a great law, and we all want to see it upheld, but we do want to help in this matter if we possibly can. I do not know whether we can or not, but we want to try to help, if the name is not a proper name.

Mrs. WILEY. Don't let us chip the food law; do anything but chip the law. Attrition is a terrible thing. If we start attrition with the food law, soon there will be nothing left. We have got to stick to truth in labeling, and that is the most important thing in the world.

I thank you very much, Mr. Chairman.

The CHAIRMAN. We thank you, Mrs. Wiley.

Mr. BULWINKLE. I want to ask just one question before she leaves.

The CHAIRMAN. Mr. Bulwinkle.

Mr. BULWINKLE. You take a great interest in the dairy farmers. Do you feel, or do you not feel, this will help the dairy farmer?

Mrs. WILEY. I do not think it will make any difference with the dairy farmer. I think what you are trying to do is change the idea of the consumer. The dairy farmer is not doing anything about changing it in any way.

We have splendid milk here in Washington. We have the grandest milk here in Washington and the purest, and we have enough of it. I do not think that the dairy farmers are going to suffer. We are making great progress in the use of skim milk and making many things out of skim milk. It is an excellent food.

Mr. O'HARA. Mrs. Wiley, you would be astonished that out our way millions and millions and millions of gallons have been thrown away and there has been a wasting of this product which is so valuable a food; and you, or our dairy farmers, at least, are interested in saving that food.

Mrs. WILEY. Of course you are; and if the dairy farmers would only cooperate and get their skim milk powdered or if there could be any legislation, or better if there could be developed a dried industry to dry that skim milk, the whole world needs it for food. It is a marvelous food. There is a great future for it. You could popularize dried skim milk all over the world.

Mr. O'HARA. But here is the thing that the industry says is hurting it, the word "skim."

Mrs. WILEY. That is a bogey. That is a bogey they have gotten up. It is not true.

Mr. O'HARA. They ought to know.

Mrs. WILEY. No. They ought to know, but they are prejudiced, blinded by their own interests. Take we consumers, we women. We are buying this stuff, and that should show you that the dairy farmers are wrong. I think they have got a straw man there. It is not true. We consumers are buying skimmed milk. That is what we want. We have already been convinced that it is good food.

Mr. O'HARA. Those of you who know.

Mrs. WILEY. Then, your dairy council. The dairymen should educate the public. They have done a good work, and they should keep it up. That was a splendid thing, that dairy council. It did splendid work. They should keep that up all over the country.

STATEMENT OF MRS. MARY WRIGHT JOHNSON, CHAIRMAN,  
LEGISLATIVE COMMITTEE OF THE GENERAL FEDERATION OF  
WOMEN'S CLUBS, WASHINGTON, D. C.

Mrs. JOHNSON. Mr. Chairman and gentlemen of the committee.

The CHAIRMAN. The committee is anxious to hear Mr. Campbell. How much time will you require?

Mrs. JOHNSON. I will only take a few moments, and Senator Shepard always said that I brought in a different viewpoint.

The CHAIRMAN. Be as brief as possible.

Mrs. JOHNSON. I will.

The CHAIRMAN. We are anxious to hear Mr. Campbell.

Mrs. JOHNSON. I will be glad to.

My name is Mary Wright Johnson, chairman of the department of legislation of the District of Columbia Federation of Women's Clubs, speaking mainly as a consumer, whom I want to represent.

I recognize that you want to make money. I like to make money myself. It is a game that we all enjoy.

First, though, you will not make it if you are ashamed of your product. The questions that have been asked here and the requests for a change of name which you are trying to make looks as though you are ashamed of your product. It is a good product. Why change the natural name of a natural food?

Mr. WINTER. Mr. Chairman.

The CHAIRMAN. Mr. Winter.

Mr. WINTER. Whom do you refer to in the use of "you"; this committee?

Mrs. JOHNSON. I am really referring to some questions that have been asked and those of you who want to change the name of skim milk. I am referring to those of the dairy industry who want a change.

Mr. WINTER. You say that you are referring to the dairy industry?

Mrs. JOHNSON. To that portion of the industry who brought this bill here.

Mr. BULWINKLE. The dairy industry has not been here.

Mrs. JOHNSON. Certain interests are here.

Mr. CHAPMAN. I have not seen any representative of the dairy industry here.

Mrs. JOHNSON. The powdered milk industry is well represented here.

Mr. BECKWORTH. I certainly do want us to get straight on this general proposition of to what extent the dairy industry is behind this bill, because the dairy industry represents the dairy farmer and it is the dairy farmer that, if any help is to be received, should get it out of legislation of this nature, and I am very much interested in clarifying that point while we are talking about it.

The CHAIRMAN. They claim that over 80 percent of the dairy industry of the United States is requesting that this change be made.

Mr. CHAPMAN. Mr. Chairman, right there—

The CHAIRMAN. I do not know what percentage it is, but there is no question but what the dairy industry is making this request.

Mr. BECKWORTH. Mr. Chairman, have we had anything directly from the representatives of the dairy industry, so far? If so, I

would like to have a list of them and if we have not, I would like to hear some of them before the hearings are concluded.

The CHAIRMAN. Mr. Jones is here and has been here all of the time representing the industry. Mr. Blalock is here.

Mr. BECKWORTH. I know that Mr. Blalock has been here.

The CHAIRMAN. And if there is any question about its being for the entire dairy industry, he can tell you.

Mr. WOLVERTON. I would like to have the viewpoint of Mr. Patman, who introduced this legislation with respect to that question.

The CHAIRMAN. Mr. Patman will speak here a little later.

Mr. CHAPMAN. Mr. Chairman, I have a copy of the letter to which I believe you referred dated January 13, 1943, addressed to Hon. Paul V. McNutt, Administrator, Federal Security Agency, Washington, D. C., signed by the American Dry Milk Institute for itself and in behalf of its members, 221 North La Salle Street, Chicago, and the National Cooperative Milk Producers' Federation, 1731 I Street NW, Washington, D. C., and that letter, in requesting a rehearing on this subject, instead of saying that they represent 80 percent of the dairy industry, says this:

In accordance with the provision of sections 401 and 701 of the Federal Food, Drug and Cosmetic Act, and regulations made pursuant thereto, the undersigned representatives of a substantial portion of the dry milk industry (more than 80 percent) hereby apply for a public hearing upon a proposal to issue and amend the regulation established by your order of July 6, 1940, establishing a standard of identity for "dry skim milk, powdered skim milk, and skim milk powder."

They represent themselves as representing more than 80 percent of the dried milk industry, rather than the dairy industry.

Mr. O'HARA. Do you claim, Mr. Chapman, that it does not affect the entire dairy industry, the dairy farmers?

Mr. CHAPMAN. I am just answering the question that was raised here that they represent themselves as representing 80 percent of the dairy industry when they do not claim that in their letter.

The CHAIRMAN. The fact evidently is that the applicants for the hearing claimed to represent 80 percent of the dried milk industry and not that percentage of the milk industry. We will let Mrs. Johnson go on and Mr. Patman can answer that before he gets through.

Mrs. JOHNSON. Whoever has forwarded this idea, and is working along with them, are so intent in putting it over, that they have not realized what the result of this change will be.

The Government has been issuing bulletins—the underprivileged have been receiving them—giving them the value of skim milk. Among our 2,000,000 club members, club women, federated clubs, and many millions of women who are not in the general federation of womens clubs, they have nutrition classes. As Mrs. Adkinson told you, the parent-teachers have 28,000 branches in the United States, all teaching nutrition. The Red Cross is teaching it. The church clubs are teaching it.

I have been chairman, by appointment for the District Commissioners, of 124 women's clubs during the World War, in the District. They are all teaching nutrition.



This is not the proper time to bring this matter forward. We have heard it said here that women who are overweight, like myself, will buy this product. We might but in the form of fluid skim milk.

The word "sewer" has been used, I have never heard it applied until I heard it in this room. We do not have sewers out on farms where I grew up, and you know the Scotchman, when they told him that you people eat oats we feed to our horses in America. He said, "Yes, but where will you find such fine horses as in America and such fine men as in Scotland?" And so it is the same with skim milk.

Years ago, during the World War, my sister's husband was in Congress for 10 years. His mother liked to go shopping and I used to go with her. She bought some furs one day and when she put them on said to the clerk, "I wonder what my little boy will think of them." He was still her little boy, although he was a Member of Congress and had been for 10 years and weighed 200 pounds.

We women are out to win this war. We are not buying anything that can be shipped, that can be avoided. Our boys are in this World War. We are unionized, not with any paid managers, but with the fact that our boys are fighting together, and we are their mothers. We brought those boys into the world, just as your mother brought you into the world. There is no link so strong as a mother's love for her boy or her girl, and we went down into the valley of the shadow of death to bring them here, and we will go down into the valley of the shadow of death to help them; we will go to death to help those boys and to save them from the terrible things they are suffering all over the world, which they are undergoing for your sake and ours.

We have taught them their prayers.

Will it help sales when the mothers of our boys learn that while these boys are in danger, time in Congress is being spent quibbling on changing the name of dried skim milk? This is no time to quibble, and you are quibbling on this name right now. After all the words "skim milk" suit us. It is known all over the country. We know it is a good product and it tells us exactly what it is. After the war and this dried skim milk has been sent abroad if the manufacturers will advertise the nutritive value of skim milk we will help put it across.

Mr. O'HARA. Mrs. Johnson, have you ever used dried skim milk?

Mrs. JOHNSON. I have not used it dried, because I use the fluid. I used  $7\frac{1}{2}$  gallons in December of fluid skim milk, and in making out my points on rationing, I had to tell the amount that I used for the O. P. A. From that, I think that they judge the rationing over the country, from all of those reports that come in. But you can get our cooperation after the war, for dried skim milk, and we will be glad to help, so long as it is labeled dry skim milk.

The CHAIRMAN. Thank you.

#### STATEMENT OF WALTER G. CAMPBELL, COMMISSIONER, FOOD AND DRUG ADMINISTRATION, FEDERAL SECURITY AGENCY

The CHAIRMAN. Mr. Campbell, we will hear you.

Mr. CAMPBELL. My name is Walter G. Campbell, Commissioner of Foods and Drugs, representing the Federal Security Agency and Food and Drug Administration.

As a brief supplement, Mr. Chairman, to the statement that I made on this measure in July, I wish merely to make quite clear that the opposition of the Federal Security Agency and of the Food and Drug Administration to this bill is due in nowise to any hostility toward this product. We recognize the value of dried skim milk as a wholesome nutritious food. We are enthusiastic about the extension of its consumption. We agree with everything that the nutritionists have said about the desirability of popularizing the product; but there are ways and ways of doing that.

It would undoubtedly be to the nutritional benefit of every individual in the country if they could be compelled to consume a substantial quantity of dried skim milk; but that would be an objectionable way of bringing that about. The promotion of health in that fashion would be undemocratic. It would be a desirable thing from a health standpoint if they could be prevailed upon to buy dried skim milk under some title which did not actually reveal its identity; but that practice would be definitely repugnant to the terms of the law.

There is after all, it seems to me, a proper way by which it can be done and that the Government has undertaken to do; that is to acquaint the public with its worth and to sell it for exactly what it is.

Now, the Department of Agriculture as was indicated by the testimony of Dr. Stanley, Chief of the Bureau of Home Economics in her appearance here last July, is advertising extensively the desirability of the consumption and the greatest utilization of this food commodity; but they are doing it under the name of dried skim milk.

It is alleged here in endorsing this bill that there is a prejudice which needs to be overcome. Dr. Stanley testified to the fact that there was no existing prejudice. It is known on the market to the extent that there is a demand by consumers as dried skim milk. You cannot find it except in very few localities. And, the conclusion that there is a prejudice against it on the ground that it is designated as dried skim milk, is wholly conjectural. Even if there were that prejudice, it undoubtedly grew out of the abundance of ignorance which has existed in the past about the nutritive value of skim milk.

Let us assume, and I think it is true, that the public at one time did think that the valuable ingredient in milk was the fat; was the cream; that was before the public became nutrition conscious. They are thinking in terms now of nutritive values of products. There is a widespread education taking place. It seems to me, and this is the basis for our objection to the bill, that a proposal by legislation to designate a food product by some term other than that by which it has been commonly and usually known, is not consistent with the purposes and with the fundamental provisions of the Food, Drug, and Cosmetic Act.

This committee some 5 years ago gave extended and deliberate consideration to that measure and the committee can refer with pride to what it finally produced in the form of legislation for the protection of consumers.

Let me refresh your memory about some of the provisions of that statute, dealing with labels.

Mr. O'HARA. Will you give the page number to which you are referring?

Mr. CAMPBELL. I will be glad to. You have the pamphlet print of the law there, have you?

Mr. O'HARA. Yes.

Mr. CAMPBELL. Dealing with labeling provisions, the law states on page 12, section 403 (a), that a food shall be deemed to be misbranded—

(a) If its labeling is false or misleading in any particular.

Now, that was the identical language incorporated in the preceding law, the act of 1906. In an interpretation of that language, the Supreme Court by unanimous decision made the statement that—

The statute is plain and direct. Its comprehensive terms condemn every statement, design, and device which may mislead or deceive.

Note this, please—

Deception may result from the use of statements not technically false or which may be literally true. The aim of the statute is to prevent that resulting from indirection and ambiguity as well as from statements which are false. It is not difficult to choose statements, designs, and devices which will not deceive. Those which are ambiguous and liable to mislead should be read favorably to the accomplishment of the purpose of the act.

Mr. O'HARA. What was that decision?

Mr. CAMPBELL. That decision was *United States v. 95 Barrels of Vinegar*, and the reference is 265 U. S. 438.

Now, that interpretation was rendered under a law that had few if any affirmative or positive requirements for the disclosure of the truth on the labels.

This fault of that statute was one of the reasons why you undertook its revision as you did by the act of 1938, to make positive the requirement that there be a disclosure of the truth.

The terms of the old law made possible imposition on the public by saying nothing on the label. It merely enjoined the use of false and misleading statements.

Now, this statute, the new act, under section 201, page 4, Congressman, carries an injunction to the courts with respect to the interpretation of the term "misleading." It says:

if an article is alleged to be misbranded because the labeling is misleading, then in determining whether the labeling is misleading there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, or any combination thereof, but also the extent to which the labeling fails to reveal facts material in the light of such representations.

Let me refer to another section of the statute, section 403, on page 15.

That section says:

SEC. 403. A food shall be deemed to be misbranded—

(f) If any word, statement, or other information required by or under the authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling)—

and note this, please—

and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

My reference to those sections is merely for the purpose of undertaking to point out what seems to me to be unquestionably the legislative intent.

One of the provisions of the act authorizes the Administrator to formulate standards for food products and it is in accord with that authorization that the standard for dry skim milk was promulgated.

That authorization is to be found in section 401 on page 11:

SEC. 401. Whenever in the judgment of the Secretary such action will promote honesty and fair dealing in the interest of consumers, he shall promulgate regulations fixing and establishing for any food, under its common or usual name so far as practicable, a reasonable definition and standard of identity, \* \* \*.

The whole question involved here is the identity of the article and a standard establishing that identity was promulgated following the very elaborate proceedings set forth by the terms of the act requiring a public hearing, the taking of testimony, the findings of fact, and then the issuance of the order.

Aside from the very definite inconsistency which this legislation presents to these fundamental terms of the law, I think there is an objection from the standpoint of the producer of the product. I have talked with some few manufacturers of dry skim milk. I know that there are members of that industry who are opposed to the proposal to change the name of the product to something else than dry skim milk, and it seems to me that their conclusion on that score is quite logical and is dictated by good commercial sense.

If you designate the product by a name by which it has not heretofore been known, quite naturally the inquisitiveness of the public will bring about a disclosure of the fact that it is skim milk, and there then will undoubtedly be an adverse popular reaction, if there is a prejudice against skim milk; that prejudice will manifest itself; but in any event there will be a popular resentment toward the manufacturer for failing to have been forthright, direct and truthful. I know that there are manufacturers of this product who are opposed to the designation of it by any other term than that of dry skim milk.

Congressman Priest, I believe, asked another witness what difficulty might be presented by the changing of this name in the education of the public with respect to the value of this product; that is, the manner in which such efforts might be retarded or impaired if this legislation were to be enacted.

Mr. O'HARA. Right on that point, Doctor, there have been other nationally known products that have changed their trade names from time to time.

Mr. CAMPBELL. Oh, undoubtedly; but such products were not produced or understood by the general public to the extent perhaps that skim milk is, would you say?

Mr. O'HARA. Well, I am asking you.

Mr. CAMPBELL. I do not think any product has experienced a change in name that has been produced or marketed to the extent that skim milk has, Mr. O'Hara.

Mr. O'HARA. Let us get down to what it is. It is not skim milk. It is separated milk in the terms of modern methods.

Mr. CAMPBELL. May I read this short letter and then I would like to make a response to that statement, if you please, Congressman O'Hara?



Mr. O'HARA. Yes.

Mr. CAMPBELL. Dr. M. L. Wilson, who is in charge of the Extension Service in the Department of Agriculture and also Assistant Director of the Division of Nutrition wrote to the chairman on July 13, 1942, about this bill, and said:

I am in entire agreement with the view expressed by Governor McNutt in his report of June 15 to your committee on the bill H. R. 7002. It seems well established that the term "skim milk" is generally understood and applied by consumers to the product before it is dried, irrespective of whether the skimming is done by mechanical separators or otherwise.

As you know, my primary interest is in furthering a program of better nutrition for our people. One of our objectives is to eliminate, if possible, the so-called deficiency diseases; another is to increase the efficiency of our workers, of whom there are many operating below par because of dietary inadequacies.

It seems to me that our educational efforts in support of the program would be hindered if well-known foods were rechristened with unfamiliar designations. Such designations would at best be confusing and might be definitely misleading.

Now, that is the opinion of a prominent Government official whose primary business is that of education.

Mr. O'HARA. Doctor, his primary business is not that of sale of the product, is it?

Mr. CAMPBELL. No; it is education; educating the public, including the producers of this product, as well as the farmers.

Mr. O'HARA. I mean by that, whether it is a handicap; whether the name is or is not a handicap, who would know more about it; a Government official, or the people who are engaged in selling it?

Mr. CAMPBELL. Why, I think the Government official would know what the consumers' viewpoint was——

Mr. O'HARA. How would he know that?

Mr. CAMPBELL. Just as well as a manufacturer would know it.

Mr. O'HARA. How would he know that?

Mr. CAMPBELL. By the very same means that the manufacturer acquires such knowledge; contact with the public.

Mr. O'HARA. Whom do you think can contact the public more, the people selling the product, or the Government official, in regard to the lack of sales, or the amount of sales, or what is an objection to the sales?

Mr. CAMPBELL. Oh, I think the Government official has opportunities that the manufacturer does not have or at least does not take advantage of.

Mr. O'HARA. You think he knows more about it than the man selling it?

Mr. CAMPBELL. I think in our contact with the public I have an opportunity in the enforcement of this law, by dealing with the public, both directly and through other members of our organization, to acquire an understanding of the public significance of various food terms and materials; more so, perhaps, than the manufacturer of those products.

Mr. O'HARA. You think you run into more of the public than the manufacturer does?

Mr. CAMPBELL. Through our agencies, I am quite certain we do.

Mr. CHAPMAN. Mr. Chairman.

The CHAIRMAN. Mr. Chapman.

Mr. CHAPMAN. Mr. Campbell, do you think that the Department of Agriculture with its various ramifications and its extension services

in agriculture, in all of the States and the counties of the country, is in rather direct contact with the general public?

Mr. CAMPBELL. Unquestionably.

Mr. CHAPMAN. More than any manufacturer of any particular product could possibly be?

Mr. CAMPBELL. I think so.

Mr. O'HARA. None of them are engaged in the sale of any product that is manufactured, are they?

I say none of these people, Mr. Campbell, are engaged or interested financially in the sale of any of these products, or to be specific, in the sale of dried powdered milk?

Mr. CAMPBELL. No; not interested other than from the standpoint of consumer welfare. I think they are interested in having the consumers consume this product.

Mr. O'HARA. But to be frank, they are not there for the purpose of selling it.

Mr. CAMPBELL. No. Their purpose is not a sales——

Mr. O'HARA. Of course.

Mr. CAMPBELL. Effort. And, they have as a matter of fact opportunity to acquire a purely objective understanding of just what the significance of terms other than that commonly or usually used would be.

Now, you refer to this product as not being skim milk; being a separated product.

Dr. Reed and others have testified here that no matter how you effect the separation of the fat from the milk, the resulting product is skim milk, whether it is done by skimming the cream from the milk or by centrifugal force, or by some other means. Surely the most effective method of making the separation at the present time is by so-called separators.

Mr. O'HARA. And there is some distinction, Doctor, is there not, between skim milk in the sense that the name originally originated where the milk was, whole milk, set in crocks and skimmed, and in the process of separating it by centrifugal force——

Mr. CAMPBELL. There is an inconsequential difference in the fat, in the residue, because the separator does it more effectively than the skimming-off method of doing it.

Mr. O'HARA. There are some other qualities; that is, it goes through a number of chemical changes, does it not, in the skimming process?

Mr. CAMPBELL. Those differences, Congressman, are insignificant. As a matter of fact the resultant product is skim milk, and is what is properly known as skim milk. The establishment of that fact is one thing that I want to show you by these catalogs of manufacturers of separators. They designate the resultant product as skim milk.

Here is a catalog from the McCormick Dairy and Cream Separators. They give an illustration of that mechanical device. They have one spout here [indicating] which they indicate as the cream spout and another spout indicated as the "skim milk spout," "easy to clean."

Here is a catalog issued by the valveless or suction feed separator. They designate it as "skim milk bowl." "Skims clean even at low speed." "The only separator which skims quicker and turns faster."

A similar catalog from the DeLaval Cream Separators, and they call the chute, just simply the "skim milk spout."

Mr. O'HARA. Doctor, would you say—let me ask you this question. You claim that the words "skim milk" is a technical term or the usual term, do you not?

Mr. CAMPBELL. Usual term. It is the usual term.

Mr. O'HARA. To be technically accurate it is really separated milk, is it not?

Mr. CAMPBELL. It is milk that has been skimmed by the use of a separator.

Mr. O'HARA. Yes. Does not that make it separated milk?

Mr. CAMPBELL. The term "separated milk" has no particular meaning. Manufacturers of separators themselves call the resultant product skim milk.

Mr. O'HARA. I take it that that has been your attitude with the industry, in dealings with you in these suggested changes; is that right?

Mr. CAMPBELL. We had no alternative than to recognize these forceful obvious facts.

Mr. BULWINKLE. If I may intervene.

Mr. O'HARA. Yes.

Mr. BULWINKLE. Do they call that machine, that shiny tank, a part of the separator, or do they call that a skimmer?

Mr. CAMPBELL. It is called a separator and they are sold as separators, but the manufacturers of those separators designate the resulting product as "cream" and "skim milk."

Mr. O'HARA. At least the McCormick dairying pamphlet you have there does?

Mr. CAMPBELL. No; I have read several others. As a matter of fact, I do not know of any that do not.

Mr. O'HARA. What companies' pamphlets have you?

Mr. CAMPBELL. Sharpless Hardware.

Mr. BULWINKLE. I did not hear you.

Mr. O'HARA. There is the McCormick dairy separator.

Mr. CAMPBELL. And the DeLaval, the Sharpless's, the John Deere Plow Co., the Vermont farm machine, and I think—these were the ones that I picked up this morning. I do not know what the others call the products.

Mr. O'HARA. Do you know whether any of them refer to it as separated milk?

Mr. CAMPBELL. No; I do not know. You will find in Webster's unabridged dictionary, under the term "separator" a simpler design which refers to the resulting products as "cream" and "skim milk" and these catalogs of these separator manufacturers in designating the product as cream and skim milk spouts are following Webster's dictionary in the usage of those terms.

Mr. Chairman, I have only one other comment to make and that is about the specific terms of the bill; the designation of the product as "dry milk solids" is, to me, not only misleading but false; for the reason that the term "milk solids" certainly means the solids of milk, and that is the whole milk. "Dry milk solids" means that product dried.

If there is one thing that the Food and Drugs Act does do, and the Supreme Court has made pronouncement to that effect repeatedly, it is to enjoin truth. It is just inconceivable to me that there would be or could be legislation so diametrically opposite to the fundamental provisions of the law as would be the case if this amendment were passed.

Mr. O'HARA. What about defatted milk solids?

Mr. CAMPBELL. Defatted milk solids is a name that would not be usual and common and the law requires that the words that are usual and are common be the ones by which the produce be designated.

Mr. O'HARA. Well, technically, dry skim milk at least to my view is not either skim milk or dried in the sense that you get all of the water out of it or that it is skimmed, in the common usage of the term "skim."

Now, as a matter of fact, most of these terms that you use when you get to be technical or a purist, very few of them are strictly accurate. Is that not true? Take dried fruits, for example. There is still water in the dried fruits.

Mr. CAMPBELL. Yes.

Mr. O'HARA. There still is water in the dry milk.

Mr. CAMPBELL. Yes.

Mr. O'HARA. And there is still some fat, butterfat, in skim milk.

Mr. CAMPBELL. Yes. And there is still some water in evaporated milk.

Mr. O'HARA. That is true. And that is true with a number of things. In the administration of the law there has to be a reasonable allowance one way or the other.

Mr. CAMPBELL. Exactly. And, we disavow any purpose to be technical; to be purists, as you call it, to the extent of doing violence to the ordinary reasonable and usually common meaning of terms.

Skim milk is a product that is popularly known. Surely it has some fat in it—only a small amount. It perhaps would be impracticable to undertake to effect an absolute separation of the fat from the nonfat ingredients in milk, and if we were to take that sort of a technical exacting attitude in the enforcement of this law, not only this committee and all of Congress, but the entire public could and would condemn us. We are not doing that.

Mr. O'HARA. Well, Doctor, let us get down to the practical situation. The people who are engaged in the sale of this product, so-called dry skim milk, feel that the word "skim" is a classification of inferiority; they feel that it has been a handicap.

Now, why is it that you take the attitude that nothing else as a trade name would be either accurate or fair or honest?

Mr. CAMPBELL. Or legal.

Mr. O'HARA. Or legal.

Mr. CAMPBELL. Because of the terms of the Food and Drugs Act and because of the character of testimony introduced at the hearings to show that "skim milk" is the common and usual term by which this product is designated.

Mr. O'HARA. What hearings are you referring to?

Mr. CAMPBELL. The hearing that is required under the statute to be held prior to the promulgation of a standard.

Mr. O'HARA. Did the dry milk people appear at that hearing?

Mr. CAMPBELL. Oh, yes; and proposed the use of the term "milk solids not to exceed 1½ percent fat" as the proper term.

Mr. O'HARA. What do you think was wrong about that?

Mr. CAMPBELL. In the first place it is a description and in the second place it is not the common or usual name by which the product is known and the law specifically says that it must be the common or usual name.



Mr. O'HARA. Well, what is the attitude of the Food and Drug Administration where there has been a change in the process from what has been the customary use? Now, I am thinking particularly of skim milk.

Mr. CAMPBELL. Yes.

Mr. O'HARA. In the strict sense, skim milk in the old sense is not skim milk in the modern sense, because of the different processes of separation of the cream from the milk.

Mr. CAMPBELL. Well, as I said a moment ago, the resultant products are the same.

Mr. O'HARA. You think then skim milk is the same; the process of the skimming of the milk has the same effect on the milk as the separating process?

Mr. CAMPBELL. I do not think there is any difference, Congressman, by what means this result is accomplished.

Mr. O'HARA. Well, do you have any objection to the term "dried separated milk"?

Mr. CAMPBELL. Separated from what, as the Congressman asked?

Mr. O'HARA. What is skim; what is the difference between skim and—

Mr. CAMPBELL (interposing). Skimmed from what?

Mr. O'HARA. When I used the word "separated," you objected to it. It is taking off some product, is it not?

Mr. CAMPBELL. I am objecting to it because the public does not know what it means. It is not the common or usual name that the law requires. The law requires that it be designated by the common or usual name. Now, if you are going to—

Mr. O'HARA (interposing). There are leeways under the rules for your Administration to redesignate names too, are there not?

Mr. CAMPBELL. We cannot by our fiat make a common name for a product and would not undertake to do it; we are not authorized to do that, Congressman.

Mr. O'HARA. If there is going to be any change in the name it will have to be by an act of Congress, so far as you are concerned?

Mr. CAMPBELL. I cannot see any other way by which it can be accomplished.

Mr. TIBBOTT. Mr. Chairman.

The CHAIRMAN. Mr. Tibbott.

Mr. TIBBOTT. Doctor, do you think that the name "nonfat dried milk solids" would be a truer name than "skim milk?"

Mr. CAMPBELL. I do not think it would be a truer name than skim milk. "Nonfat dried milk solids" has a deceptive tinge. The only question involved is whether or not the public understood that immediately. If the public were to ask what does it mean, how are you going to identify it? You can only identify it by saying it is skim milk and the point I have been trying to make, and I know there are members of the industry that share this view, is that there would be a public reaction of an unfavorable sort toward it.

Mr. O'HARA. On that point, how many of them share that view of yours?

Mr. CAMPBELL. I cannot undertake to say. I only know a few who have come to my office to talk about it and have said that.

Mr. TIBBOTT. Doctor, do you think that the sale of milk would be increased if this name were changed?

Mr. CAMPBELL. I do not think it would, because in the first place I do not think there is the existing prejudice now against the purchase and consumption of skim milk that has been alleged.

Mr. O'HARA. You just do not believe these people who have testified, Doctor, is that it?

Mr. CAMPBELL. I am not going to say that; but I do think this, that the principal motive for the advocacy of this bill is a profit motive. If one could sell skim milk which was retailing at 9 cents a quart for whole milk which was retailing at 15 cents a quart, there would be a financial inducement to do it; but a practice of that sort is absolutely contrary to the provisions of the law which this Congress has enacted, and which we are enforcing.

Mr. O'HARA. Doctor, of course, neither you nor I are here to attempt to hold down advancement or in any way encroach upon the fair dealing with the public, are we?

Mr. CAMPBELL. Not at all.

Mr. O'HARA. And what we are seeking to do is to arrive at some fair conclusion which will be of aid to a great industry and be a protection to the public.

Mr. CAMPBELL. Let me tell you, Congressman, that in the enforcement of this law—and this may come as a surprise to Members of Congress, because they hear usually the complainant's side—the Food and Drug Administration has not been hostile toward manufacturers of food products. We have proceeded on the policy ever since I have had anything to do with the administrative phase that there are as many honest manufacturers of food and drug products as are to be found in any other vocation, and they want to observe the law.

Now, we are not required to do it, and a great many governmental agencies engaged in regulatory work do not do it, but we daily are in conference with manufacturers, undertaking to advise them and to help them formulate labels to meet the requirements of the law, and wherever there is a possibility of making suggestions to manufacturers or giving them advice about the marketing of their product, that bears no prejudice toward the consumers, we are happy to do so.

Mr. O'HARA. Do you think that I have the same concern?

Mr. CAMPBELL. Of course you have.

Mr. O'HARA. And the other Members of Congress also?

Mr. CAMPBELL. Of course.

Mr. BULWINKLE. Now, just a minute. Let me get into this fight. Doctor, since the act of 1938 was passed, how many contests have you had in the courts on account of the rulings of the Pure Food and Drugs Administration?

Mr. CAMPBELL. I beg your pardon. I did not get your question.

Mr. BULWINKLE. How many contests in the courts have you had since 1938 in regard to your rulings as to labeling?

Mr. CAMPBELL. There are approximately 2,500 court actions a year instituted. For the first 1 or 2 years after the enactment of the new law there was a transition period during which fewer prosecutions were instituted than would be the case normally.

We were engaged then in conferences with groups of manufacturers, trying to point out the requirements of the new statute and we were, following the direction of Congress, giving them an opportunity to

effect a change of their labels and meet the new more drastic conditions imposed; there were fewer prosecutions for the first 2 years; perhaps something in the neighborhood of 1,800 instead of the 2,500 brought every year, Congressman.

MR. BULWINKLE. With the entire 2,500 a year—is that a year?

MR. CAMPBELL. A year; during the year.

MR. BULWINKLE. Now, those 2,500—

MR. CAMPBELL. That is approximately correct.

MR. BULWINKLE. All in regard to labeling?

MR. CAMPBELL. Oh, no.

MR. BULWINKLE. That is what I wanted to know. How many have you had in labeling?

MR. CAMPBELL. Last year almost 80 percent of the prosecutions that we brought were on the charge of adulteration, because the food products involved were filthy, decomposed, unfit for consumption.

MR. BULWINKLE. Like a case I brought to your attention, where the candy manufacturer in a certain city occupied a rat-infested building and allowed the candy to be eaten by the rats, and then in the places where it had been eaten out, put some more chocolate over and covered it up.

MR. CAMPBELL. That is typical of the cases we have brought.

MR. BULWINKLE. And you say that about 80 percent of them are in regard to the adulteration or the dirty or filthy condition of the food, or whatever it is?

MR. CAMPBELL. That is true. I remember those figures for last year.

MR. BULWINKLE. Now, how many cases have gone to the Supreme Court on the branding, not the adulteration cases, since you have had this act of 1938?

MR. CAMPBELL. Only one.

MR. BULWINKLE. Only one?

MR. CAMPBELL. Only one, and that decision was handed down a few days ago; 2 or 3 weeks ago.

MR. BULWINKLE. That was the March 1 decision?

MR. CAMPBELL. That is right.

MR. BULWINKLE. Now, I want to ask you about another thing. It was a little confusing to me here. I have constantly heard about the dairymen asking for this change in name. Do you know anything about that?

MR. CAMPBELL. Nothing whatever.

MR. BULWINKLE. Have you talked with dairymen?

MR. CAMPBELL. No; I have not.

MR. BULWINKLE. Have any of them written you?

MR. CAMPBELL. They have not.

MR. BULWINKLE. You have seen this circular which was sent out from Washington here on January 22 in which they said that the American Dry Milk Institute and the National Cooperative Milk Producers' Federation which together represent 80 percent of the dry-milk industry; that they are supporting this bill?

MR. CAMPBELL. Yes.

MR. BULWINKLE. But you have had no indication at all from anyone in the dairy industry directly coming to your department to change this name?

MR. CAMPBELL. I have no knowledge of any such request.

Mr. PRIEST. Mr. Chairman.

The CHAIRMAN. Mr. Priest.

Mr. PRIEST. Doctor, I know you have had a long experience in the administration of food and drug legislation, and related subjects and in the study of such subjects, and I wonder if for the sake of the record you would just briefly give to the committee the background of your experience in these related subjects, in further support of your testimony. I know you are a modest man, but if you do not mind, just tell us a little bit about that background.

Mr. CAMPBELL. Well, I am a Kentuckian by birth, and before leaving Kentucky I was identified with that State's work in the enforcement of its State laws. Kentucky, like some several other States, enacted a law for the regulation of traffic in food prior to the time that a Federal law was enacted.

On the passage of the act of 1906, I came as a civil-service employee to Washington, accepting an appointment under Dr. Wiley, as an inspector in the then Bureau of Chemistry. I was appointed chief inspector and held various other positions, before the creation of the Food and Drugs Administration, and eventually was made chief of that organization. In fact I have been chief of it since its creation, and with the transfer from the Department of Agriculture to the Federal Security Agency, my title was designated Commissioner of Food and Drugs.

Mr. PRIEST. Thank you, Doctor.

Mr. O'HARA. Doctor, I have one question, in view of Major Bulwinkle's questions.

You are not trying to say, Doctor, are you, that the dairy farmer himself is not interested in this?

Mr. CAMPBELL. I have no knowledge as to whether he is or not, Mr. O'Hara.

Mr. O'HARA. As a matter of fact you and I know that farmers who produce the milk sell it to a creamery or send it to some milk distribution point. Some of them have dried milk plants and some of them are owned by private individuals; but as to the so-called waste product of skim milk, it has only been within the last few years that that development has taken place.

Mr. CAMPBELL. That is the development of dried milk?

Mr. O'HARA. Yes.

Mr. CAMPBELL. Yes.

Mr. O'HARA. So that you are not inferring, Doctor, in your answer to Major Bulwinkle's earlier question, that the millions of dairy farmers are not interested in one way or another in this bill?

Mr. CAMPBELL. No; I do not.

Mr. BULWINKLE. I did not ask you that, Doctor. I asked you if you had been approached by any dairyman or anyone in your bureau had been?

Mr. CAMPBELL. That is correct.

Mr. BULWINKLE. And you said you had not.

Mr. O'HARA. I thought you said a while ago that some of the dried milk—

Mr. CAMPBELL. Manufacturers; dry skim milk manufacturers.

Mr. O'HARA. Manufacturers?

Mr. CAMPBELL. Yes.



Mr. O'HARA. Of course, many bills come up, Doctor, affecting the Food and Drugs Act where hearings are requested, and all of those individuals, or many of those groups are interested, but do not write you. Is that not true?

Mr. CAMPBELL. Quite right.

Mr. O'HARA. And there are many hearings before legislative committees where the parties interested do not either write you or appear at the hearings?

Mr. CAMPBELL. Perhaps.

Mr. O'HARA. I say, do they, or do they not?

Mr. CAMPBELL. They do not. Sometimes they do.

Mr. O'HARA. And sometimes they are represented by interlocking interests or by spokesmen; are they not?

Mr. CAMPBELL. Usually are.

Mr. O'HARA. Thank you, Doctor.

Mr. WINTER. Mr. Chairman.

The CHAIRMAN. Mr. Winter.

Mr. WINTER. Right along the line of Mr. O'Hara's questions, and the position of the dairy people on this particular matter, I understand that there is a motion of the executive committee of the National Cooperative Milk Producers' Federation, and this motion I am going to read, and it says:

Moved and adopted that the National Cooperative Milk Producers' Federation endorse the principles of the bill (H. R. 7002) introduced by Mr. Patman and providing a statutory definition and standard for the dairy product "dry milk solids" in lieu of the names "dry skim milk," "powdered skim milk," or "skim milk powder."

As you can see from a reading of the motion, there is not a great deal of leeway as to what could be the name of this product, with reference to meeting the approval of this organization. In other words, it seems that they are pretty confining and say "dry milk solids."

Have you ever been sent that motion, or have you had an occasion to study its effect?

Mr. CAMPBELL. If I have, I do not remember it. I do not recall that motion at all, Congressman.

Mr. WINTER. It is in the record here of the hearings of June 14, 1942.

Doctor, I have just one other question. I am very much interested in your statement in response to one of the questions asked by Mr. O'Hara in which you state your objections to the use of "defatted milk solids"; that is, the term "defatted milk solids." I believe you stated one of your objections was that it was purely a descriptive term and denotes nothing else.

Mr. CAMPBELL. I said I believed that the term "milk solids not to exceed 11½ percent fat" was a descriptive term and not a name.

My objections to the use of "defatted milk solids" is first, it does not meet the requirements of the law concerning foodstuff.

Mr. WINTER. I understood you had those objections, but I thought you mentioned another or further objection.

Mr. CAMPBELL. And, second, I would question the understanding on the part of the public generally about that term; and if they were to ask questions about what defatted milk solids meant, not having

heard of it before, what would be the only answer that could be given to them? It would be dry skim milk. And I raised the point that there would be a consumer reaction of an unfavorable sort if there was prejudice against skim milk.

Mr. WINTER. What I am getting at is this, so far as the description of the term concerning skim milk and the term used to describe the difference between what we now know as skim milk and whole milk. That would be purely a descriptive term.

Mr. CAMPBELL. Yes; surely. One word can be a descriptive term.

Mr. WINTER. "Defatted milk solids" would be a descriptive term which would differentiate between whole milk and skim milk.

Mr. CAMPBELL. That is right; but what I was trying to do when I referred to the difference between a name and a description was to make a differentiation as between the use of one word and a phrase or a series of words.

Mr. WINTER. It would not make a whole lot of difference what the term was, if it stated what the facts are.

Mr. CAMPBELL. I do not think it makes any difference what the term is if it is a term commonly and usually used and understood by the consumers.

Mr. WINTER. On that point, if the term commonly used by the consumer does not state the actual facts, do you not think that it should be changed?

Mr. CAMPBELL. Oh, if there is a false indication; if the consumers have employed that term through a misunderstanding of the actual facts, there should be a correction; but in the enforcement of a law of this kind we are actuated by the determination of whether there is a false or misleading impression created in the minds of the consumers.

There can be changes in the significance of terms, but if there is a popular understanding of a word or a phrase and if the consumer in the purchase of a food commodity to which that word or phrase is applied gets what he is expecting to get, then I cannot see that there is a violation certainly under the terms of the law.

Mr. WINTER. Is it not true that the original term "skim milk" is not a complimentary term, insofar as milk is concerned, in the eyes of the public generally?

Mr. CAMPBELL. I think so, but I think that that grew out of an abundance of ignorance prevailing at that time about the value of skim milk.

Mr. WINTER. And do you not think that a large percentage of the people of the country still hold to that view?

Mr. CAMPBELL. There has been testimony before this committee that there is no prejudice against it. I would not undertake to say there is or is not, but if there is, the proper way to overcome that is to tell them the truth about the value of it. It is a meritorious product. That is all you can ask for and let it stand on its own bottom.

Mr. WINTER. Would it be any harder to tell the truth about it if it were called "defatted milk solids" and tell them what it is?

Mr. CAMPBELL. I do not think they would understand about defatted milk solids.

Mr. WINTER. I do.

Mr. O'HARA. Doctor, who usually makes the trade name—the producer, or the manufacturer, or the public?

Mr. CAMPBELL. Well, that depends upon the circumstances, certainly.

Mr. O'HARA. Almost universally, it is the industry or the manufacturer—is it not—who picks out the name?

Mr. CAMPBELL. Of course, with proprietary fabricated products that is entirely true.

Mr. O'HARA. Doctor, as a matter of fact, I believe under your Food and Drugs Act you have compelled the manufacturer to set out the contents of the article; if it is a drug, what it contains; if it is a food which is mixed from drugs, that it shall contain the usual terms that go into it. Is that not true?

Mr. CAMPBELL. Well, the law requires that. We have not compelled them to do it.

Mr. O'HARA. That is what I mean; the law requires it.

Mr. CAMPBELL. I thought that you meant that it was an administrative requirement.

Mr. O'HARA. The law requires it.

Mr. CAMPBELL. The law requires it.

Mr. O'HARA. And it is your duty to see that it is enforced?

Mr. CAMPBELL. That is right.

Mr. O'HARA. Well, of course, how many people know anything about chemistry? You put the label on it. The ingredients are all on there, and they read it, and we will say here is catsup, for example, which contains several items besides tomatoes. How many people do you think, Doctor, know what is actually in it other than tomatoes?

Mr. CAMPBELL. If it is expressed in chemical terms, of course only a limited number of people would know it; but the law requires that the ingredients of the food be declared in their common and usual names. Refer to page 16 of the copy of the act you have and you will see that it declares a food product to be misbranded:

If it is not subject to the provisions of paragraph (g)—

That relates to standards of identity and quality.

of this section unless its label bears (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient.

Mr. BULWINKLE. Have you finished, Doctor?

Mr. CAMPBELL. Yes.

Mr. BULWINKLE. So the thing, Doctor, resolves itself down to this, that if the Congress wants to change the ruling that the common and usual name is required, they have got to amend the law?

Mr. CAMPBELL. You could do it by amending the law.

Mr. BULWINKLE. But, I mean, so as to cover everybody.

Mr. CAMPBELL. That is right.

Mr. BULWINKLE. That is all. Thank you, Mr. Campbell.

Mr. CAMPBELL. Thank you.

Mr. BULWINKLE. The Chair has requested that we recess until 2:30 this afternoon.

(Thereupon, at 12:30 p. m., the committee took a recess until 2 p. m. of the same day.)

## AFTERNOON SESSION

THURSDAY, MARCH 18, 1943.

(The committee reassembled at 2:30 p. m., pursuant to the taking of a recess, Hon. Clarence F. Lea (chairman) presiding.)

The CHAIRMAN. The committee will come to order. Mr. Patman.

**STATEMENT OF HON. WRIGHT PATMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS**

Mr. PATMAN. Mr. Chairman: For the proponents of this legislation I desire to express my appreciation for the very fine attention and consideration that has been given this legislation. It is my understanding that this hearing supplements the hearings conducted last year on H. R. 7002 on June 16 and July 14, 1942. The hearings for those dates have been printed and are now available, and are in the hands of the committee members.

The CHAIRMAN. Yes. It is our purpose to publish the two together.

Mr. PATMAN. Something was said this morning about whether or not the farmers themselves favored this legislation. May I invite your attention to a statement by W. S. Moscrip, Lake Elmo, Minn., in the hearings of last year, in which he stated that he himself was a farmer operating a 280-acre farm and maintaining on that farm a herd of about 125 registered cattle including 60 or more milk cows. And, he is president of the association and director of the National Cooperative Milk Producers' Federation, and this association has membership in 40 States and has 260,000 members in those 40 States and includes 60 farmer owned and controlled cooperative associations, and on pages 9 and 10 of the hearings of last year you may find the list of the member organizations.

The National Cooperative Milk Producers' Federation endorsed this particular bill actually as it is now.

Since that time, Mr. Chairman, there have been other endorsements.

We have endorsements, Mr. Chairman, of H. R. 149 of the Alabama Dairy Products Association, Birmingham, Ala.; American Dairy Association of Indiana, Indianapolis, Ind.; California Dairy Council, San Francisco, Calif.; Georgia Dairy Association; Indiana Farm Bureau, Inc., Indianapolis, Ind.; Indiana Manufacturers of Dairy Products; Indiana Milk and Cream Improvement Association, Indianapolis, Ind.; Indiana Milk Control Board, Indianapolis, Ind.; Kentucky Farm Bureau Federation, St. Matthews, Ky.; Minnesota Creamery Operators' and Manufacturers' Association, Minneapolis, Minn.; Minnesota Farm Bureau Federation, St. Paul, Minn.; National Association of Local Creameries, St. Paul, Minn.; The President of National Dairy Council, Chicago, Ill.; North Carolina Dairy Products Association; American Farm Bureau Federation, which was represented here a few days ago by a witness.

Now, this is a case where the rapid increase in volume of a product most vital to the war effort and gravely needed as human food has been sabotaged by giving to the product a name which, to the consumers means "hog feed".

The dry milk industry has made three attempts to get this injustice corrected without legislation. The last time such an attempt was



made, the chairman of this committee and I went with the dry-milk industry representatives, seeking a change in name, but we bumped up against a stone wall.

The only way this injustice can be corrected is by legislation, and since Mr. Campbell testified this morning that his opinion is that that is the only way that it can be corrected, it occurs to me that we should not make any further effort to get it corrected by the administration, as I still believe it should have been done.

The dictionary definition of "skim milk" indicates it is an inferior product.

Now, then, if we were to accept the advice of the witness who said that we should endeavor to educate the people as to the value of "skim milk," the first thing we would have to do is we would have to "unlearn" the people, so to speak. We would have to destroy every dictionary in our country, because the children who go to school depend upon their dictionaries telling them the truth and every dictionary says that "skim milk" is an inferior product. Therefore, you would have to start from scratch by destroying your dictionaries.

If the Quiz Kids were asked the question on the radio tonight, "What is skim milk?" and they gave the dictionary definition, it would be: "Skim milk is an inferior product."

Therefore it is asking too much of any industry to go out and try to "unlearn" the people. Because the dictionary says it is an inferior and bad product; has a derogatory name, in other words. That is asking too much.

Now at one time there was a commodity known as "brewer's slop." Now, that commodity was a quite a valuable one. It was something that the public needed, and the consumers, but it could not be sold under the name of "brewer's slop." So, that name, although that was the general and usual and customary name—no one could deny that—but that name was changed to "stillage," a much more acceptable name, and the product put on the market as "stillage".

Then there was another product known as "nicotinic acid." It was fine for children, but mothers would not use nicotine acid because it indicated that it had nicotine in it, and the good mothers of this country said, "No; we won't use that. That has nicotine in it. That is a bad product." But, that name was changed to a more acceptable name and the companies making it were not compelled to use that obnoxious name, "nicotinic acid." The companies were permitted to use the word "niacin" instead, a name acceptable to the mothers of this country.

Now, those are two cases absolutely in point where changes have been made to make a good product that had an obnoxious name more acceptable to the public by the change of a name.

I believe that every one who has testified here has admitted that skim milk is a useful and valuable food. That is admitted by everyone, and it is also admitted that if the name is changed as contemplated in this proposed act, no one will be hurt by it; no one will be harmed.

It occurs to me that is a very persuasive argument in favor of making the change.

Mr. Campbell said this morning that there was an abundance of ignorance of the value of the product, indicating thereby that we should get out and teach the people all over the Country that this

"skim milk" was good, and so forth. But for the reasons that I have stated, that is not a desirable way to handle it. It is asking too much of any industry. That is the reason we believe the legislative relief requested is reasonable as is amply shown by the evidence submitted to you.

The Food, Drugs and Cosmetics law, in the preparation of which this committee expended so much serious effort, provides that a product must be given "a common and usual name; but only so far as practicable." That point has been brought out by the chairman a number of times; but only so far as practicable.

All right. The name given this product by the Food and Drugs Administration is not "practicable" because a vast majority of the industry—dairymen, manufacturers—do not want that name. Then, this should be a sufficient reason for a change. But in addition to that, Mr. Chairman, it is not practicable for the great majority of the users don't like it. The bakers who use 70 percent of the output sold in this country and other users do not want that name.

Third it is not "practicable" because educators who are heads of dairy departments of our universities—food specialists; dietitians, nutritionists, doctors—say it is not a true name for the product and that it does a grave injustice to a product of outstanding value as human food.

I am sure the committee will not overlook that point: That "skim milk" is not a correct name. It is not an honest name. It does not represent the truth.

Fourth, that it is not a "practicable" name is shown by the fact that in numerous recent instances Government agencies have in directives, such as the Food Distribution Administration "bread order" and the "ice cream order" avoided the use of the name prescribed by Food and Drugs. Instead, these orders have used such terms as "milk solids" and "milk solids not fat," which are like the name requested in this bill. Thus it has been recognized by agencies of our Government that "skim milk" was not a true name and an effort made by them to correct it through their directives—indirectly, of course.

Mr. PRIEST. What agency?

Mr. PATMAN. The Foods Distribution Administration of the Department of Agriculture.

Fifth, the name prescribed by Food and Drugs is not "practicable" because no advertising expert would dare use the word "skim" in advertising unless he wanted to kill the sale of the product. And, with large production after the war is over, the makers of dry-milk solids will have a tremendous job of selling on their hands, and we ought to give them all of the help possible.

Sixth. But the most serious reason why this name should be changed is this: Increased production of defatted-milk solids is vital to the war effort. England and Russia and our armies oversea are crying for more of this product. We would have had more for them in this time of great need had the industry developed as it should have, unhampered by this stupid name of "skim" which means "hog feed."

And, the Food and Drug Administration can accept this responsibility for having this industry less prepared today to help feed the people of this country and our allies through lend-lease because of

their arbitrary, contentious, contrary attitude in refusing to change this obnoxious name 5 years ago, when an effort was first made to do it.

Now, if they are proud of that, they can accept it, but I certainly would not be proud of it.

Testimony here has shown that there are vast quantities of separated milk still left on the farm and available for the making of dry milk solids, or defatted milk, whichever you want to call it. Let's remove the unfair name from the product and help get the milk into factories so that it can be made into dry milk solids for shipment overseas.

This is an urgency matter, gentlemen, and I hope you will give this bill early consideration and send it to the House with your recommendation, "Do pass."

Now, I desire to answer some of the points that have been brought up. First I resent what is known as bureaucratic action. I construe bureaucratic action to mean arbitrary action; no compromise; stay with something because it has been the policy of the past, regardless of the present situation; there will be no change; and when they discover a mistake they will not correct it.

To my mind the most obnoxious bureaucrat is the type of bureaucrat who will not correct a known mistake when it has been pointed out to him.

To my mind, those are the worst sins of the Office of Price Administration—not in making lots of mistakes, because people expected a lot of mistakes to be made in any huge program; a lot of mistakes will be made; but the sins of the Price Administration have been and are the failure to correct those known mistakes, to acknowledge an error when it has been pointed out to them.

So in this case we have something here that everybody admits is a good product. Everybody admits that no one would be hurt by the change of the name. Every one admits that the name that is now used is not a true or correct name, and yet they will not change that name.

In time of war when we need this product as much as we do that there should be no quibbling about this thing. We want to develop this fine food that has been neglected. We cannot do it by education. We have got to develop the industry. No one is going to develop this industry unless assured a name that will not condemn the product. You would not expect them to. Think about what a wonderful industry we would have today and how valuable it would be if 5 years ago this name had been changed to a name that was acceptable? We would have had one of the finest industries in America and our dairy farmers would be prospering as they never prospered before. The bureau did not have vision; they were not willing to correct their known errors.

Now all say if a name can be found, that is more acceptable, they would be willing to accept it. Well, I think everyone will admit that "defatted milk solids" is a correct name.

Now, it is true that it contains about 1 percent of fat, of course—about one-half of 1 percent, I believe it is—some say it is 1 percent. But as the chairman has pointed out, you cannot have absolute accuracy. You cannot have precision in these matters. You refer to "pure" water when it is not pure water. And, it has been pointed out here



a number of times about dehydrated foods. They still contains some water. Do not expect exactness. If you will walk through the Capitol Grounds over to the Supreme Court Building, as you walk up those fine marble steps over there in front of that wonderful Supreme Court Building, when you look up you do not see written across there, "Exact justice under the law." There is no such thing as "exact" justice. It says, "Equal justice under the law." No one should expect exactness.

So, in this case you must have some tolerance. You cannot say "exactly."

So, "defatted milk solids" is just as good a name and as true a name and as honest a name as "dehydrated" meat or "dehydrated" vegetables, or "dehydrated" anything else. If the label on the package read, "Dry milk solids not over  $1\frac{1}{2}$  percent fat" that would be a true name, but be a very long name, and that is something we have been trying to avoid.

"Nonfat dry milk solids" would be a good name. "Fat-free milk solids" would be a good name.

It occurs to me that as smart as these people are in these departments and as many words as we have in our vocabularies, and admitting the prescribed name is not a true name, that they could certainly themselves find at least just one name that would be more descriptive and not be obnoxious of this product.

The CHAIRMAN. Mr. Patman, in that connection, the bill provides in defining these products, "It contains not over 5 percent moisture." That, of course, is the present regulation in reference to "skim milk." And further: "That fat content is not over  $1\frac{1}{2}$  percent unless otherwise indicated."

So here is the definition that seems to be accurate and in full. If any criticism were to be made, I take it that it would be that the limitation of  $1\frac{1}{2}$  percent should be on the label as well as in the law.

Mr. PATMAN. Yes, sir.

The CHAIRMAN. On that question—this morning I spoke about the variation of the tolerances they use everywhere in fixing standards. I think the best illustration so far as this is concerned is that of dried fruit. Dried fruit, of course, is permitted to contain a certain percentage of moisture, depending upon the kind of fruit it is; but the general name is "dried fruit." It is not scientifically accurate, but for practical purposes, it is an acceptable term.

Mr. PATMAN. Substantially correct, like "equal justice under the law." You cannot have exact justice. We cannot ever be exact. "Dried fruit" is a true statement, although there is just a little water in it.

There is another precedent for this, gentlemen, and that is in the definition of butter. If Congress has taken it upon itself to define what butter is and it is in the law today, is there anything so wrong about defining what "skim milk" is, by giving it a name that is not incorrect, when we admit that the name it now has is not a correct name?

Now, these people who testified against this bill—I have nothing to say against them—except, I am disappointed that heads of our Government departments, experts, who come here after years of study and have no suggestion whatever to make of just one simple little name that will cure this evil—not one.



Do you know, my friends, if every agency of this Government were run by a chief as arbitrary and contentious and autocratic as the chiefs of these bureaus have been, our Government would fail. Democracy cannot survive under such contrariness as that. If you have got to run to Congress to correct every little thing like this, it is the most inconceivable thing on earth. I venture to say that before this fight is over, if it has got to go through Congress, a million man-hours will be lost, of the time of the most valuable men of this Government, and through the length and breadth of this Nation, on this one little thing, that this chief of the bureau could correct.

Do you mean to say our Government is safe under such leadership as that? Is that then true democracy? Of course it is not and our Government would not survive if this sort of contrariness existed in every agency of our Government. It could not survive.

And, these ladies who testified. I do not know why they are so interested here in the District of Columbia. I doubt very much if there are any dairy herds in the District of Columbia producing milk. Maybe there are, but if you will notice, this lady said—

(Two ladies in the audience raise their hands.)

The CHAIRMAN. You have got two votes against you.

Mr. PATMAN. This lady who was representing the General Federation of Women's Clubs—I do not know by what authority she represented them. They have never adopted any resolutions on it one way or the other. They have not expressed themselves in a national federation convention and if the national federation has not, why are they here talking for the national federation? But, if we are going just to take somebody's word for it, let us take the president of the General Federation of Women's Clubs, the statement that the president made—she probably is not the present president—but I am reading now from a letter headed "Theme: 'Adjusting democracy for human welfare.'" That is the theme of the General Federation of Women's Clubs. This gives the name of the president, Mrs. Sadie Orr Dunbar, Washington, D. C. This is dated May 28, 1940.

AMERICAN DRY MILK INSTITUTE,

*Chicago, Ill.*

(Attention Mr. M. O. Maughan.)

GENTLEMEN: Having devoted considerable time and study to the question of labeling and descriptive information, I am very much pleased to note that you are using a new terminology in the description of your product. I congratulate you upon designating it as "dry milk solids, not over 1½ percent fat." I believe this will meet universal approval.

Sincerely yours,

SADIE ORR DUNBAR, *President.*

She is president of the General Federation of Women's Clubs, and so far as I know—and I think so far as this committee knows—that is the latest expression of a president of the General Federation of Women's Clubs.

Now I believe that there was one of the ladies representing the department here in Washington of the Federation of Women's Clubs and I believe she said that her federation here in the District had endorsed a resolution against this proposal.

I know these women are high type women, all over the Nation; but if there is such a division in the Federation of Women's Clubs, that could be designated as the tail wagers division, I believe the District of Columbia division would come nearer qualifying for the

tail wagers division than any other segment of the Federation of Women's Clubs. I think many of this group in the District—not all—have demonstrated that they are more interested in poodle dogs and pussy cats than in farmers and consumers. I say that after knowing a great deal about what has been going on in the federation here in the District of Columbia for many years, as I used to be on the District Committee. So I do not know that testimony on this from a woman who considers as a paramount question to be determined, a new definition of "lover" is so persuasive or not. So I am willing to pass that testimony off. I do not know that they have studied this from the standpoint of the scientists like Dr. Wilder and others who came here—

Mrs. HOWARD (interrupting). Mr. Chairman—

Mr. PATMAN (continuing). Men who have no ulterior motive, and more than any other persons, hope to see the poor people of this country get the benefit of the use of a wholesome product that is now inefficiently utilized by reason of an obnoxious name.

The CHAIRMAN. If you will permit an interruption.

Mr. PATMAN. Yes, Mr. Chairman.

The CHAIRMAN. The ladies who testified here will be permitted in the revision of their remarks, to state the authority that they had to speak for their organizations. In fact they have the right to revise their testimony here.

Mrs. HOWARD. Mr. Chairman, I certainly think that we should be permitted to give it here before you as a committee. I do not think it should be given in a back room where we are going to revise. I am afraid I am going to have to make just a very short rebuttal to this. I am going to have to ask for that, if you please.

Mrs. JOHNSON. I want to state that I am a farmer myself, and that Mrs. Wiley owns a large dairy herd and she spoke from experience. We all spoke officially, representing the stand of the Federation on Truth and Informative Labelling.

Mrs. HOWARD. Shall I make a statement now? I definitely want the witness to hear it.

The CHAIRMAN. Of course that would not be the usual practice to permit you to make a statement at this time.

Mrs. HOWARD. Just a short statement. I think it should be correct, because after all the integrity of the District women is involved and a false statement has been made there, by Mr. Patman, definitely false. And I do ask that for the General Federation's integrity, and also that of the District of Columbia Federation's, to make that correction here, while the committee is in session; not after.

The CHAIRMAN. Anyway, your testimony will be printed in the record and you are at liberty to make any correction there that you think desirable.

Mrs. HOWARD. I respectfully demand the right to speak now before the witness leaves the stand.

The CHAIRMAN. Of course the witness has the right to state—

Mrs. HOWARD (interposing). May I speak after he concludes? It will take only a minute.

The CHAIRMAN. It is not the ordinary practice to do so.

Mrs. HOWARD. Just 1 minute is all I want.

Mr. PATMAN. If she is going to be allowed to talk, I think she ought to do her talking before I finish, Mr. Chairman. Of course, it is not for me to say. I am just a witness here.

The CHAIRMAN. We will allow you a couple of minutes.

Mrs. HOWARD. Mr. Chairman, I would like to say in connection with the letter the witness has just read from Mrs. Dunbar: Mrs. Dunbar has been out of office now for 2 years, and what personal letters she wrote has no bearing on the federation's action regarding "truth and informative labeling," as given in H. R. 944, Seventy-sixth Congress.

And the statement that he read from Mrs. Dunbar was a personal statement, and does not hold water as far as endorsing this bill, on the breaking down of the Food and Drugs Act, is concerned.

The Federation of Women's Clubs does not go in for advertising. Mrs. Dunbar was secretary and is, I think, now secretary of the National Tuberculosis Association. She is a fine, splendid person, but it is most unfair for Mr. Patman to take those words that I am sure she meant personally, and use them as an endorsement from the federation.

Now, what Mr. Patman should have referred to is this: The general federation did endorse informative and truthful labeling, known as Wool Products Labeling Act of 1939. That is on record. I had the privilege of being chairman of the District Federation of Women's Clubs Legislative Committee at the time, and the Schwartz-Martin labeling bill was in committee for several weeks.

We have done a very, very fine work, as Mr. Patman well knows, when we defeated his "death" tax on chain stores. We are very proud of that. In fact, the District Federation of Women's Clubs led that fight and had the glorious privilege of seeing it defeated. We have gone on record for truthful and informative labeling, and that is exactly what this bill is trying to destroy, as Mr. Patman well knows, but would conceal from consumers and this committee.

We are against this bill.

And I want also to further add that Mr. Patman infers that everybody admits there is another name for skim milk. I, as one witness representing the District of Columbia Federation of Women's Clubs, say that there is no other name. I do not admit there is another name and consistently believe it should be called skim milk. The only purpose of this bill is to mutilate the Pure Food, Drug, and Cosmetic Act—and to make it much easier to sell powdered skim milk as powdered whole milk.

The CHAIRMAN. You may proceed, Mr. Patman.

Mr. PATMAN. I never heard these ladies get very hot and bothered when we were changing the name of this brewer's slop and nicotinic acid.

Mrs. HOWARD. I was not old enough to know anything about brewer's slop.

Mr. PATMAN. It seems to me that I did not hear anything about them getting very hot and bothered when we were defining butter, and if that is an attack on the law——

Mr. CHAPMAN (interposing). Maybe these ladies are more interested in food for human consumption being correctly and honestly labeled than they are in brewer's slop to be fed to cattle and hogs.

Mr. PATMAN. What about butter? It seems to me that that is a pretty well recognized product for human consumption.

Another example: At a public hearing before the Food and Drug Administration, Washington, on May 9, 1939, Mrs. Walter Freeman, of Indianapolis, Ind., as a representative consumer, gave testimony to the effect that "dry milk solids not over 1½ percent fat" was the most informative name for this product. In part she said—

The average housewife \* \* \*. The name "dry milk solids not over 1½ percent fat" properly designates the product obtained by the drying of milk from which the fat has been extracted. \* \* \* The housewives will be more likely to buy a product labeled "dry milk solids not over 1½ percent fat."

May I say, gentlemen—and I hope that you do not overlook this point—

Mr. HARRIS. Mr. Chairman.

The CHAIRMAN. Mr. Harris.

Mr. HARRIS. Mr. Patman, I would like to ask this question at this point. You refer to dry milk solids as an appropriate name?

Mr. PATMAN. Not over 1½ percent fat—with not over 1½ percent fat.

Mr. HARRIS. Would you suggest that the label should be "dry milk solids not over 1½ percent butterfat" and then "dry milk solids with 100 percent butterfat"?

Mr. PATMAN. There are other names, Mr. Harris, that are better descriptive of the product than that. I will admit there is a question in my mind about dry milk solids without a statement about fat being a correct name. Frankness compels me to admit that, that I believe there are other names that are better, exact, and true.

Mr. HARRIS. I am very much impressed with your ideas and suggestion, and comments you have made here, but the thing that has disturbed me all of the way through is the distinction between dry milk solids and defatted milk solids.

Mr. PATMAN. Yes; I think so, too.

Mr. HARRIS. Now, there would be other matters, it seems to me, that would need clearing up to use the "defatted milk solids" term. Would that denote that it was dry solids?

Mr. PATMAN. Well, you can put the word "dry" in there if you want to.

Mr. HARRIS. I know the term as proposed does not contain the word "dry."

Mr. PATMAN. We are not particular about the term. If you will notice the bill, H. R. 149, in the title up there, it says, "making certain a reasonable definition and standard for nonfat dry milk solids."

Now, that is the correct name, "nonfat dry milk solids."

Also down in the bill "defatted milk solids," or "defatted dry milk solids," I think would be a very good name.

Mr. HARRIS. It seems to me that "defatted dry milk solids" is a clearer term.

Mr. PATMAN. Yes; "nonfat dry milk solids" or "fat-free dry milk solids."

Mr. HARRIS. So far as the psychological effect is concerned, would you have the same difficulty in using the term "defatted dry milk solids" as you would with "skim"?

Mr. PATMAN. No; I do not think so. You see, "defatted" would be an acceptable name that a lot of people you know, are looking for, who are



practicing girth control. They do not like to eat fattening food, and this word "defatted" would appeal to them very much.

Mr. HARRIS. In other words, your suggestion then would be to eliminate the term "dry milk solids"?

Mr. PATMAN. I think the other would be preferable, Mr. Harris. I will admit that I think it would be.

Mr. CHAPMAN. Mr. Chairman.

The CHAIRMAN. Mr. Chapman.

Mr. CHAPMAN. Mr. Patman, what consumer organization did you say that that lady represented?

Mr. PATMAN. I do not have it here, Mr. Chapman. I can find out for you, but you do not deny there are a lot of people representing consumers who are for this? I am sure that you would not. You know the last time we had the hearings——

Mr. CHAPMAN. I am not denying or affirming anything. I am asking you the question for information.

Mr. PATMAN. Yes.

Mr. BECKWORTH. Mr. Chairman, may I ask a question?

The CHAIRMAN. Mr. Beckworth.

Mr. BECKWORTH. I notice in the motion of the executive committee of the National Cooperative Milk Producers' Federation there on page 10 of the hearings, Mr. Patman, you have there "dry milk solids," whereas in your bill there are two terms suggested. Do you suppose, with reference to the bill, that the federation would be pleased to have the term "defatted milk solids" instead of "dry milk solids"?

Mr. PATMAN. I imagine so. In fact I think it is up to the committee to do what they think is right, after hearing all of the testimony, regardless of their wishes.

Mr. BECKWORTH. Since they did not indicate an alternative in the motion?

Mr. PATMAN. Yes; whether they did or did not. You see all I want is to see a fair name, that is not dishonest, given to a product that is admittedly a very wholesome product, that will be retarded by this bad name and may I suggest, gentlemen, this one thought: You cannot just hokus-pokus this product. You cannot build this industry over night. It takes months and years to do it and it should have been started 5 years ago. It has been delayed.

Now then, people are not going to put their money into developing this product unless Congress assures them of a square deal in the form of a name that is not obnoxious to that product when it is produced.

Mr. HARRIS. Mr. Chairman.

The CHAIRMAN. Mr. Harris.

Mr. HARRIS. On that particular point, what has been the production of skim milk solids, as the term is now used, during the last 5 years?

Mr. PATMAN. Mr. Chairman, I cannot give that, but Lend-Lease, as you know, has that. But, as Mr. Beckworth brought out, the English people do not permit the use of skim milk. They call it "household milk." They do not want that obnoxious name, "skim."

Mr. HARRIS. Before lend-lease, say, 1939, what was the production of so-called skim milk solids?

Mr. PATMAN. I just do not know. We can get that for you.

Mr. HARRIS. Do you know how the production compares with the consumption?

Mr. PATMAN. Well, of course, the consumption is always equal to the production, because it is a very much wanted product. Lend-Lease is taking all that they can get.

Mr. HARRIS. I am asking about before lend-lease.

Mr. PATMAN. No; I do not think there was much desire to develop the product, because of the obnoxious name, Mr. Harris.

Mr. HARRIS. In other words, we had quite a surplus at the time the lend-lease program started?

Mr. PATMAN. I do not know whether we did or not. I know one witness testified here that we were wasting enough each year now to represent a food equivalent of about 20,000,000 beef cattle.

Mr. HARRIS. Well, you do not say, or you do not mean to say, that because the great amount of this milk is being fed to animals that it is entirely wasted?

Mr. PATMAN. No; it is not entirely wasted.

Mr. HARRIS. Now then—

Mr. PATMAN. But, you are not getting the maximum benefits from it.

Mr. HARRIS. I would like to ask this one other question: Earlier in your remarks you said that skim milk solids denotes an inferior product.

Mr. PATMAN. Yes, sir.

Mr. HARRIS. If I remember correctly, you made that statement.

Mr. PATMAN. Yes, sir.

Mr. HARRIS. Did you mean by that that the so-called skim milk solids is not inferior to whole milk solids?

Mr. PATMAN. Well, the word "skim" is the obnoxious name, Mr. Harris.

Mr. HARRIS. The product itself is what I am talking about.

Mr. PATMAN. Not among informed people. Now, the people who testified here; it would not bother them. If everyone in this country were educated in nutrition up to their standards, why, we would not even need to talk about this at all. But the average person who has been taught all of his life that "skim" milk is an inferior product, would certainly be led to believe that "dry skim milk" is obnoxious and not acceptable.

Mr. HARRIS. The defatted milk is not as good as the whole milk, is it?

Mr. PATMAN. No; I would not think so. At the same time Dr. Wilder said that it could be. He said you can get fats, those who need them can get other fats to go with defatted milk and have a wholesome diet without whole milk.

Mr. HARRIS. I was trying to get clear in my mind as to whether or not you class this defatted-milk or skim-milk solids with whole-milk solids.

Mr. PATMAN. No; I am not trying to confuse them. I hope I have not.

Mr. HARRIS. That is all.

Mr. BECKWORTH. Mr. Chairman.

The CHAIRMAN. Mr. Beckworth.

Mr. BECKWORTH. Now, you need not answer this question, Mr. Patman, unless you have information directly in point, and of course you cannot unless you do, but I notice here where it states that 60 of these

members of the National Cooperative Milk Producers' Federation are listed and Mr. Moscrip, who was testifying, said some of these manufacture and market dry-milk solids.

I would be interested to know if the information could be obtained, if you do not know, how many of that group do manufacture and sell dry-milk solids?

Mr. PATMAN. If I can find out, I will be glad to let you know, but I do not know. In fact, the industry has not developed extensively. You see it is a wide-open field for everybody.

Mr. BECKWORTH. That is pretty well indicated by the degree of interest that this association has.

Mr. PATMAN. But, I doubt, Mr. Beckworth would be interested in putting his money into an extensive plant.

Mr. BECKWORTH. I beg your pardon.

Mr. PATMAN. I doubt that the gentleman from Texas, Mr. Beckworth, would be interested in putting a lot of money into a big plant to make a product that had to carry this obnoxious name in the future, unless he was assured that the name was going to be changed.

Mr. PRIEST. Mr. Chairman.

The CHAIRMAN. Mr. Priest.

Mr. PRIEST. Mr. Patman, as I indicated in a question or two this morning, I have been very much interested in the trend in the educational program in connection with skim milk, particularly over the past 10 or 15 years, in which instances the term "skim milk" has been used in textbooks. It was used in textbooks that I taught, in grammar school and high school, and I have kept up with those texts and know there has been a great deal of effort put forth to educate people in using the term "skim milk," and in educating them in the value of it as a nutritive food.

You stated in your earlier testimony that if we changed that name that we might be placed in the position of having to change all of our dictionaries because of the fact that the term "skim milk" is defined in the dictionaries, and I am wondering now if we should change the name of it if we would not have to change a lot of our textbook material as well, and I believe if you examine the textbooks even in the District schools on health and hygiene and food, and nutrition, or any other public school in the country, that you will find that there is a great deal of textual matter there on the nutritive value of skim milk. It is identified as such.

I wonder whether it would be better to change all the textbooks, or to bring our dictionaries up to date a little more.

Mr. PATMAN. Well, let us take a practical situation. Now here is a child who is being taught the value of skim milk, from a textbook, and the teacher is telling this child that skim milk is a good product, and then the child in looking at it in his own dictionary which he has access to at home, looks up the definition of "skim" and it is a very inferior product according to his dictionary. The dictionary says that. Then, the child might come to the conclusion; well, just some long-haired professor wrote this text. He does not know what he is talking about. Here the dictionary for the last 100 years has said that this is an inferior product. And then he goes to another dictionary and it says the same, and another dictionary, and it says the same. But, if Congress by law says it is defatted milk and it is a

wholesome product, it would certainly be convincing to the child, through the teacher, and more convincing than just a textbook, as against all of the dictionaries in the world.

Mr. PRIEST. That brings up also the thought brought out once before this morning. Assuming that I go into a store here to buy a product labeled as defatted milk, or the clerk offers me that, and I as an ordinary customer say, "Well, what is that?" Would he not almost invariably say, "Why, skimmed milk."

Mr. PATMAN. Will you say that again, Mr. Priest?

Mr. PRIEST. Just assuming we put a product on the market and label it defatted milk and somebody out at Dupont Circle goes into a grocery store there—that is the one that is closest to me—and comes across a product labeled "defatted milk solids" or "dry defatted milk solids." He sees that on the label and he says to the clerk, "What is 'defatted milk solids'? What is 'defatted dry milk solids'?" It is my belief that invariably the answer would be once again by using the commonly accepted term, "Why, it is just common skim milk"; and the clerk would go back to the term "skim milk" to identify it.

Mr. PATMAN. The passage of this bill would at least create a situation where this clerk would probably say that "skim" is not the right name. He would say Congress passed the Patman bill and changed it, because it is a wholesome product. It is over 50 percent milk sugar and over 36 percent protein and contains a lot of valuable vitamins and minerals. That is what the clerk would say.

Mr. PRIEST. But, he would still use the term to identify it, in my opinion.

Mr. PATMAN. Those who have testified here who know all about it; certainly they would; but I doubt would the average person, because people would soon know what defatted milk is, just milk with the fat removed. The name would indicate that.

Mr. PRIEST. Just one more question on another subject, Mr. Patman. In listing the organizations that had approved this resolution, I believe you mentioned the American Farm Bureau Federation as one.

Mr. PATMAN. Yes.

Mr. PRIEST. Was that done by the executive committee or by the membership in convention through the adoption of resolutions, or just what was their method of endorsing it?

Mr. PATMAN. I just could not tell you. I do not know which.

Mr. PRIEST. You do not know whether it represents an expression of opinion by the members at large?

Mr. PATMAN. No; but all of the farmers in the country are for it. I think that ought to be enough. I do not know of one against it, not an informed farmer, unless it is one of these experts who seems to think that everybody should know as much as they know. But just the average garden variety of farmers—I do not know of any one who would be against it.

Mr. PRIEST. You may be right. I am asking for information. The only correspondence I have had on this legislation has been from the bread manufacturers up to this time. I have not had any expressions from farm organizations or from individual farmers, or dairymen, but I have had from bread manufacturers. There is no objection to that at all, but I was just trying to find out for my own information as to who was for it or how they had endorsed it.



MR. PATMAN. Now, take bread. Is it fair to indicate that there is something in that bread that is inferior when we know it is not inferior? Yet when you make them put "skim milk" on there, you are requiring them to put something on there that indicates inferiority. That does not seem to me to be fair. I do not blame them for objecting to it, nor do I blame the candy manufacturers.

MR. CHAPMAN. Mr. Chairman.

THE CHAIRMAN. Mr. Chapman.

MR. CHAPMAN. I suppose you are familiar with the fact that at the present time the bread manufacturers are not required to put "skim milk" on the labels.

MR. PATMAN. I thought all who used it in their bread were required to.

MR. CHAPMAN. I think that at present there is no regulation requiring it except on "enriched bread." Some bakeries label their bread voluntarily.

MR. PATMAN. Why is it that they let them keep it off and make the candy manufacturers put it on?

MR. CHAPMAN. Because the regulations under the law, so far, have not made that necessary. One of your witnesses testified to that yesterday, Mr. Strochmann.

MR. PATMAN. I thought that they were required to do it. I know that with a lot of products they do and I cannot see the reasoning that would permit the bread manufacturers to leave it off and require the manufacturers of cereals and candies and everything else to put it on. It just does not look sensible to me.

MR. CHAIRMAN. Did I understand you to suggest also that you could supply the fats by adding fats to the defatted milk and make a wholesome food out of it?

MR. PATMAN. I hope that you do not expect me to explore that, because I am merely repeating what Dr. Wilder said, and my knowledge is limited to that statement.

MR. CHAPMAN. I was just following your suggestion there and I would call your attention to the fact that there was formerly a product on the market, the name of which was "Hebe." It was made of a concentrated skimmilk, and the manufacturer added coconut oil in order to give it the requisite amount of fat and make it a wholesome food; but the dairy industry of the country—and I do not mean the dry skim milk manufacturers, those in attendance at this hearing—I mean the milk producing industry of the country, opposed it so strongly that they put it off of the market by securing the enactment of the so-called Filled Milk Act.

I am afraid that the dairy industry would not approve of your suggestion on that. And, while we are on that subject, Mr. Patman, I have before me here what purports to be a multigraphed or mimeographed letter signed by Mr. Rond McCann, director, American Dry Milk Institute, Inc., Chicago. On its letterhead and under the corporate name these words, "Research—education." It is a letter "To the editor" which apparently was sent to numerous editors throughout the country offering for publication a news story concerning this bill, and in the second paragraph he says:

"Your editorial support would be greatly appreciated," and so on. I will not read all of it.

Mr. PATMAN. I think that is customary.

Mr. CHAPMAN. I am not questioning that; but I want to lay the foundation to ask you a question about it if I may. It says:

WASHINGTON, D. C.—Congressman Wright Patman, of Texas, has reintroduced his bill to legalize the name "Dry milk solids" to replace the unpalatable tag "Dry skim milk" which food and drug regulations now require. The bill is H. R. 149, and takes the place of one that died in committee with the last Congress.

And the closing paragraph—

H. R. 149 is sponsored by the American Dry-Milk Institute and the National Cooperative Milk Producers Federation, which together represent upward of 80 percent of the dry-milk industry.

Now, may I ask, so far that is correct, is it not?

Mr. PATMAN. I never heard of it before. I am glad they got it out, because I think it will be helpful, and I appreciate it thoroughly, but personally I did not know anything about it except that I know that Mr. Roud McCann is a very fine man and would make an excellent witness if you would call him. He is here.

Mr. CHAPMAN. These two organizations referred to as sponsors of this legislation, the American Dry Milk Institute and the National Cooperative Milk Producers' Association, apparently represent 80 percent of the dry-milk industry.

Now, can you tell me what proportion of the total dairy industry in this country those two organizations represent?

Mr. PATMAN. Well, I just do not know. You probably indicate or infer there that I am representing the Dry Milk Institute.

Mr. CHAPMAN. Not at all. I did not mean any such implication at all. I have great respect for the gentleman from Texas, and hold him in very high esteem.

Mr. PATMAN. Let me tell of my experience in it. Of course, I am glad to have their support. It is very helpful. And they are very smart people, and if you would like to hear him Mr. McCann is here and would make an excellent witness—not from your standpoint.

Mr. CHAPMAN. Then——

Mr. PATMAN. Let me tell you of my interest.

Mr. CHAPMAN. Yes.

Mr. PATMAN. Our country is becoming a dairy country. You know people from Wisconsin, Minnesota, and Iowa are coming down into my district and buying milk cows now—they are very fine milk cows—and carrying them up into Minnesota.

Mr. CHAPMAN. They are coming to mine also.

Mr. PATMAN. Wisconsin, Minnesota, and Iowa, a few years ago produced practically all of the dairy products. They were produced up in those three States, but down in our country, as well as in all of the South and the Southwest, we not only have favorable climatic conditions, but we have every other advantage. You do not have to have these expensive barns that are air-conditioned in the summertime and heated up in the wintertime. You do not even have to have any barn. Just an old shed will do, or no shed at all. It costs much less to produce dairy products in our country than in any other section of the United States. Consequently in east Texas people have been going into the dairy business, and my district now is covered with dairy herds. We have more cattle in east Texas than we have in west Texas. Ordinarily you would not think that that is true, but we have got many more cattle

in east Texas than they have in west Texas because of the dairying. Mr. Bryan Blalock—he has been here—he is just a country boy himself, raised on the farm like I was. He and his brothers are members of one of the most prominent families in east Texas. He got interested in the dairy business, and he got out and built up a dairy company which embraces all northeast Texas—Mr. Beckworth's district and my district—and he is paying thousands of farmers every day money for milk that they never had a market for until it was developed.

Now the dairy business is being developed all over the country just like that by just honest, hard-working, fighting country boys like we are, and there is where my support for this legislation came from—from Mr. Blalock. He interested me in it, and he convinced me it was right. I looked into it very thoroughly, and I was sold on it. I know nothing about these big organizations, but I am anxious to have them help.

You see, I go right down the middle of the road shoulder to shoulder with anybody or any group that is fighting in the direction I am fighting, and I do not care who they are, just so long as they are on the right side.

But these organizations I know are the highest type organizations in the country and have the very highest type men representing them.

Mr. CHAPMAN. Before asking the question I was about to ask prior to enjoying the dissertation on the growing dairy industry in the home district of the gentleman, my dear and valued friend from Texas, may I add to the record by saying that dairying is also a very thriving industry in my own congressional district and that we are beginning to develop the manufacture of cheese on a considerable scale and hope it will become a great industry, and it should, because—and scientific men will bear out the statement—the pasturage of the district which I have had the honor to represent for the past 18 years is the richest pasturage in the world from which to produce milk and cheese and butter, as well as livestock of all kinds.

Mr. PATMAN. I congratulate the gentleman and express the hope that he will help his dairy farmers by giving them the benefit of this additional product.

Mr. CHAPMAN. I agree that it is a valuable product.

Mr. PATMAN. And I hope that the gentleman will help us with this.

A few years ago you know cottonseed was not very valuable. The cottonseed was thrown into the creeks and rivers and some of the Southern States even passed laws to prohibit people from clogging up the streams by throwing cottonseed into them. Of course, they found out that cottonseed was valuable. They discovered that the meal was good and finally decided that it had something else in it and was something that was worth while. Every time they discovered something new about cottonseed, cottonseed paid the grower better. That is the way with milk. And if the gentleman wants to help his dairy farmers make this product more valuable, he can do so by helping remove that obnoxious name.

Mr. CHAPMAN. I hope to see this skim milk become even more sought for by consumers, and I want the production of skim milk and the salability of it to improve in the same way and along the same lines that the cottonseed demand developed, not by passing any law here to exempt it from the law to protect consumers, but by the very kind of educational means by which the cottonseed industry was developed.



Mr. PATMAN. They were not burdened with an obnoxious name, the cottonseed people were not. If they had been they would have had to remove that name before marketing their product very successfully.

Mr. CHAPMAN. I want to ask the gentleman a question. I also asked the same question today when Dr. Reed, Chief of the Bureau of Dairying, and Dr. Holm, Chief of the Dairy Research Laboratories, Bureau of Dairying, appeared here. That was, What proportion of the entire dairy industry of the United States is represented by these organizations which call themselves the sponsors of this legislation? They could not give me those exact figures offhand, but Dr. Holm told me in response to my request, that he would look it up when he got to his office and give me the information. Dr. Holm called me back a few minutes ago from his office and said that in 1941, the skim milk used for the manufacture of "dry skim milk" was approximately 4½ percent of the total milk production; 80 percent of 4½ percent of the total milk production amounts to 3.6 percent of the total milk production and, as they state in this propaganda that they comprise something over 80 percent of the dry milk industry, then this dry skim milk industry comprises perhaps a little over 3.6 percent of the great dairy industry of the United States.

Mr. PATMAN. It is a pioneering business; that is true, but regardless of who is for this, I think this committee could take Dr. Wilder's testimony alone, Dr. Wilder alone, and have sufficient information to justify this Congress in acting on this question, because we know it is a bad name. It is not a true name. It retards the growth of this industry and thereby denies the consumers a valuable wholesome product, and, may I express hope again that you gentlemen will report this bill favorably.

Mr. HARRIS. Mr. Chairman.

The CHAIRMAN. Mr. Harris.

Mr. HARRIS. I would like to ask you, Mr. Patman, just one question. Would you state to this committee your preference as to what the appropriate name would be?

Mr. PATMAN. I really have no preference, Mr. Harris. Any name that is a good name.

Mr. HARRIS. Now, we have had that suggested by practically every witness who has come before us.

Mr. PATMAN. I have suggested several.

Mr. HARRIS. I know you have. I just want to know what you regard as the best name for the product.

Mr. PATMAN. I have suggested dry milk solids, not over 1½ percent. I would not like a long name. I would rather have a short name. If you left it to me I would like "nonfat dry milk solids." That would be all right. "Fat-free milk solids" would be all right. "Defatted milk solids" would be all right.

Mr. HARRIS. You think under the present law the Bureau has the authority to place in effect this substitute name or a substitute name?

Mr. PATMAN. Like it is now.

Mr. HARRIS. Yes.

Mr. PATMAN. I do. And, you know Congress has several recourses when they have arbitrary chiefs of bureaus or people who are executing or administering these laws. One is to repeal the law; the other is to amend the law, and the other, as Chief Justice Hughes said over here in the House of Representatives on the one hundred and



fiftieth anniversary of the House of Representatives, that "Congress still has the purse strings" and I am not so sure that the time is not coming when people who act in such a contrary and contentious manner should not be dealt with through the power of the purse in the United States Congress.

Mr. CHAPMAN. The gentleman would not like to specify, would he, which of those remedies he prefers.

Mr. PATMAN. Well, we are applying No. 2 now; at least, we are attempting to change the law. I mean, doing it by law.

Thank you Mr. Chairman.

The CHAIRMAN. Thank you.

The CHAIRMAN. The statement of Mrs. Howard included in Report No. 907, Seventy-sixth Congress, first session, on page 12, will be included in the record.

(The matter referred to is as follows:)

#### STATEMENTS OF ENDORSERS SUPPORTING THE LEGISLATION

The need and the demand for fiber-identification legislation, as well as the history of the movement to secure such legislation, are touched upon in the various group statements made at the hearings. It is considered of value to members to subjoin excerpts from a few of these statements.

Mrs. Ernest William Howard, department chairman of the legislative committee of the District of Columbia Federation of Women's Clubs (hearings, p. 297):

"I wish to record the support of the District Federation of Women's Clubs for the Martin wool-labeling bill, in accordance with the action, February 17, 1939, of the legislative committee, composed of representatives from 31 individual clubs in the District of Columbia.

"This support is in line with the past declarations of the General Federation of Women's Clubs, with which the District federation is affiliated.

"The general federation, however, did not approve this particular bill, H. R. 944, which is now before you, because the federation does not endorse bills by name nor number because that would be committing the general federation to the support of amendments and changes in the bill. Its policy is to endorse principles of legislation. Thus, it endorsed the principle of fiber identification at the convention at Kansas City in May 1938. Every woman at that convention understood from the discussion that differentiation of virgin wool and reclaimed wool, shoddy, was involved in that resolution. In support of this I quote from the statement made on July 9, 1938, before the House committee holding hearings on the Schwartz Martin bill, page 103, of Mrs. Roberta Lawson, at that time president of the General Federation of Women's Clubs (reading):

"We women are deeply concerned over knowing the truth about fabric content, whether it be virgin wool or substitutes for virgin wool, and this concern extends to all other fabrics."

"Furthermore, the delegates to the Kansas City convention came authorized by their individual organizations to vote on this resolution. Every one of the 14,500 affiliated clubs voted on the fiber identification resolution. Every one of the 2,000,000 women received a copy of this resolution for fiber identification and had an opportunity to vote on it in connection with the instructions to the delegates to the Kansas City convention. And the Kansas City convention voted in favor of this resolution by a vote of 106 to 1. Mrs. Ketterer, chairman of the legislative committee of the General Federation of Women's Clubs, has sent me a copy of the resolution, which I wish to insert in the record."

#### "RESOLUTION NO. 9. FIBER IDENTIFICATION

"*Resolved*, That the General Federation of Women's Clubs in convention assembled, May 1938, commend the Federal Trade Commission for the protection which it has afforded to consumers and urge its continuation of this work until fibers in common use are accurately identified; and be it further

"*Resolved*, That Congress be urged to supplement the powers of the Federal Trade Commission so that the Commission may extend further protection to the consumer by bringing about fuller informative labeling."

Mr. CHAPMAN. Before the hearings are closed, I would like to have permission to introduce and to have printed in the record, a statement by Dr. Louise Stanley when she testified before the committee on this subject July 14, 1942. Dr. Stanley was Chief of the Bureau of Home Economics, U. S. Department of Agriculture. In discharging her obligations as head of that unit, she had had unusual opportunity in dealing with the Home Economics Association, (a Nation-wide organization of experts in that line, whose members are in close touch with housekeepers throughout the country), to acquire intimate understanding and knowledge of the attitude of housekeepers toward various articles of food. Since July, Dr. Stanley has, in the course of departmental reorganization, been promoted to the position of special assistant to the Research Administrator, Agricultural Research Administration, and in that position is scientific adviser to the Department of Agriculture. Dr. Stanley's statement is as follows:

STATEMENT SUBMITTED BY DR. LOUISE STANLEY, SPECIAL ASSISTANT TO THE RESEARCH ADMINISTRATOR, AGRICULTURAL RESEARCH ADMINISTRATION

It is my opinion that consumers as a group would prefer to have dry skim milk called dry skim milk. This is the name by which they have known and used it and by which a demand has been created for it. Skim milk is a good food and consumers are increasingly appreciating its usefulness in the diet. In my opinion, there is no prejudice toward the name or the product.

Farm families use a large amount of either skim milk or buttermilk in cooking. The urban homemaker does not have such supplies because of the difficulties of distribution of skim milk in fluid form. For that reason, the Department of Agriculture has promoted the distribution of skim milk in the dried form. The dried skim milk is very compact, can be stored and distributed easily, can be added to mixtures in a larger proportion than can fluid milk. It is especially useful in increasing the nutritive value of the diet. The Department has recommended it for use in school lunches as well as by families and has prepared publications advising nutrition workers and homemakers on methods of incorporating it in the diet. These publications, issued by the Bureau of Home Economics, have always referred to this product as "dry skim milk." We have never at any time had any reaction from consumers which would indicate a prejudice against this name, but have had numerous inquiries as to where the product can be obtained. In view of the fact that considerable educational work has been done on the use of dry skim milk under that name and a change in the name at the present time would confuse the public as to the identity of the product, we would regret seeing the designation changed.

STATEMENT OF HON. LEROY JOHNSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. JOHNSON. Mr. Chairman, I desire to submit for inclusion in the record an article published in the Fresno Bee, September 2, 1942.

[From the Fresno Bee of September 2, 1942]

POWDERED MILK BECOMES IMPORTANT FOOD SOURCE

Numerous magazine articles have dramatized the part powdered milk is playing in supplying Britain and even our own armed forces in all parts of the world with a vital diet element.

Powdered milk has this tremendous advantage—it requires comparatively little shipping space. It also does away with the problem of refrigeration; and yet with the necessary water added by the ultimate consumer, it becomes again the practical equivalent of fresh milk—minus, of course, the fats in the original article.

The chief obstacle to increasing the utilization of powdered milk, curiously enough, is the Federal Pure Food Act and an ingrained human prejudice.

The Federal food regulations forbid this product being designated as "powdered milk" or "dry milk solids" or some such similar legend—it must be called "dry skim milk."

Hence, many consumers shy away from it as though they were getting an inferior and undesirable article. Yet the same people will remove all the cream from the milk they buy and use the remainder as a delicious, health giving beverage.

To correct this situation and aid the dairymen, Congressman Wright Patman has introduced H. R. 7002 which provides:

"That for the purposes of the Federal Food, Drug, and Cosmetic Act of June 26, 1938 \* \* \* dry milk solids or defatted milk solids are the product resulting from the removal of fat and water from milk, and contain lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made."

Is not that reasonable?

It gets rid of a tag which is unfairly derogatory, yet still provides ample protection to the consumer.

The Patman bill should be enacted speedily by Congress.

The CHAIRMAN. The committee will stand adjourned. We thank all of those who have appeared.

(Thereupon, at 2:40 p. m., the hearings were concluded and the committee adjourned.)

## ADDENDA

APRIL 13, 1943.

HON. CLARENCE F. LEA,

*House of Representatives, Washington, D. C.*

DEAR CLARENCE: I am sending you a copy of a letter about the "skim milk" bill written by Mr. Shepardson, head of the department of husbandry at Texas A. & M. College. If the hearings have not already been printed, I wish you would have this inserted. However, I would not want the hearings held up one minute for that purpose.

Sincerely yours,

WRIGHT PATMAN.

APRIL 10, 1943.

HON. LINDLEY BECKWORTH,

*United States Congress, Washington, D. C.*

DEAR SIR: I understand that the Interstate and Foreign Commerce Committee is now considering H. R. 149, relating to the proper name for the nonfat solids of milk.

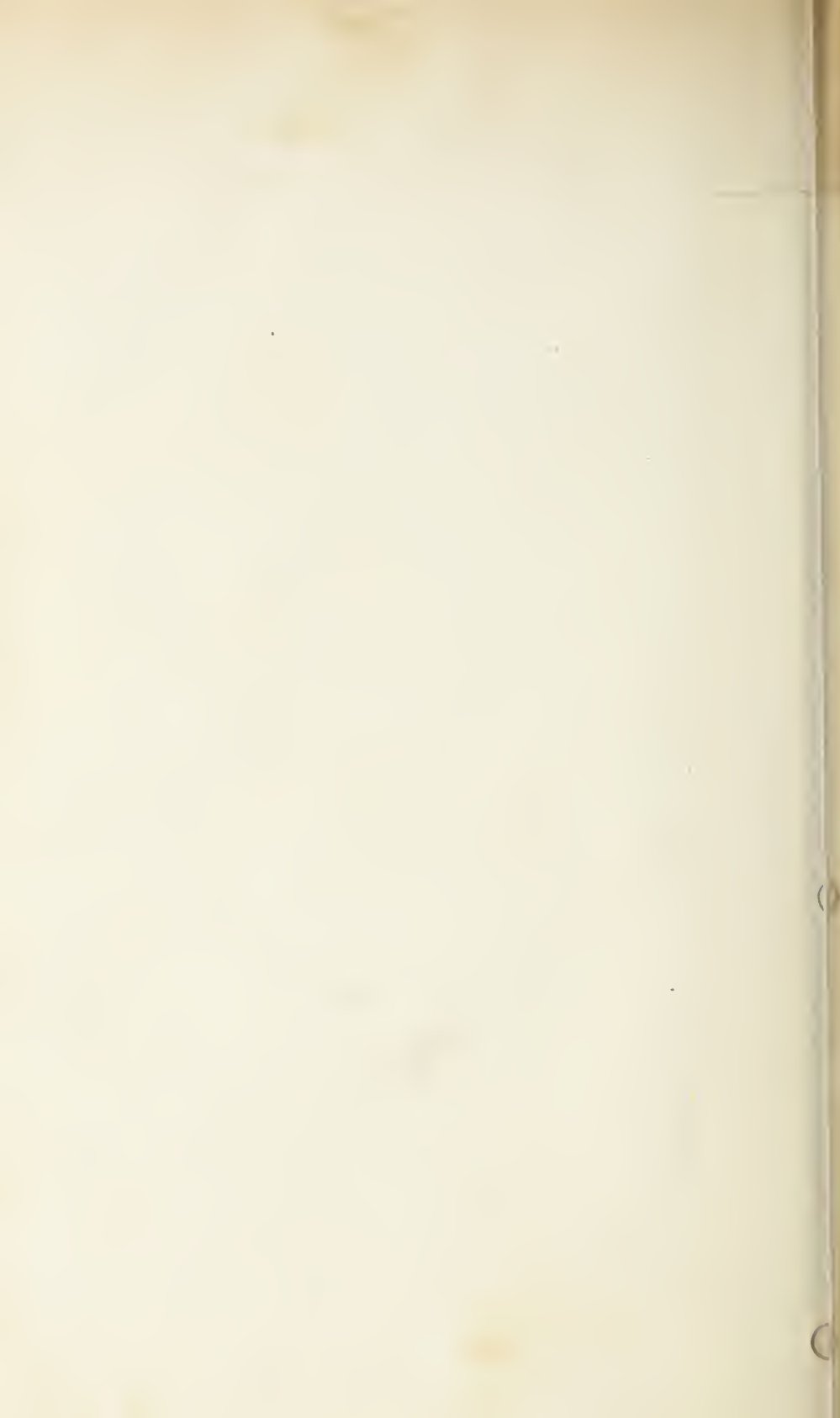
I wish to call your attention to the fact that the use of the term "skim milk" in connection with this product is a misleading one and detrimental to the fullest development of the dairy industry in this State. The use of the term "skim" or "skimmed" implies an inferior product whereas the nonfat solids of milk constitute one of the most valuable protein foods available for human nutrition. They are also rich in essential minerals and vitamins, but due to the public reaction against the term "skimmed," the dairy industry finds itself burdened with a tremendous handieap in merchandising this product.

Texas alone produces over 2,000,000,000 pounds of milk annually for use in the manufacture of butter. The remaining portion of this milk, if properly handled, would produce approximately 166,000,000 pounds of milk powder annually compared with the present actual production of approximately 3,000,000 pounds. A large portion of the remainder is utilized as livestock feed or wasted. A proper designation of this product with the removal of the present stigma attached to the term "skimmed" would enable the industry to greatly expand its output of this valuable food which is so greatly needed for overseas shipment at the present time. This in turn would result in a material increase in the income of the dairy farmers of Texas.

I hope you will give this proposal your careful study and support.

Yours very truly,

CHAS. N. SHEPARDSON,  
*Head of Department.*









tion not continue, at least well through the high-school grades? What objection can there be to continuing to teach school children the fundamentals of American government? They will only too soon be the ones upon whom the responsibility of the Nation will rest. They are the very ones in whom there should be instilled the concepts of government that their fathers and their fathers' fathers created, builded on, and fought to protect and preserve. Today's school children must continue to be taught that the American way of life is soundly pillared on a government of the people, by the people, and for the people, that our Government is a system of checks and balances divided into three coordinate branches—the legislative, the executive, and the judicial—that one cannot function without the support of the others, and, most of all, that if one is permitted to become paramount and independent of the others, democracy is dead.

Wartime economy is transient. If the individual liberties that must be temporarily surrendered in time of war are to be redeemed at the end of the duration, then wartime economy programs must be only temporary. Otherwise they will become a permanent national economy under which liberties will be gone forever.

Education as usual must be continued in as far as possible. Above all, there must be no substitutes fostered upon our public-school system in the guise of war necessity.

Mr. Speaker, the dissemination of such propaganda, thinly disguised as impartial instruction and public enlightenment, must be checked. Our public schools must not be turned into propaganda agencies, regardless of the side taken in controversial political issues by any individual organization or governmental agency.

I have no fear but that the people will do their part to stop it. The vast majority of parents will not hesitate to urge school authorities to carefully and critically scrutinize questionable publications offered as textbooks for public schools. They will be quick to question the authority of an organization sitting in Washington, with its roots in Columbia University Teachers' College, dictating to every State office of education and attempting to direct the curriculum in every little red schoolhouse, township central school, college, and university in the land.

The people will also expect the cooperation of their Congress.

In this particular case there is a question as to how far the Congress can go in stopping the distribution of this publication, *My Part in This War*, even when it is evident that a good deal of time, paid for by Federal funds, did go into its preparation. But Congress still controls the public purse strings, and it should very definitely write into every appropriation for Federal agencies a provision prohibiting the use of such funds for propaganda purposes other than for direct prosecution of the actual war effort. By tightening the purse strings Congress can shut off the lifeblood that

feeds the cancerous growth that threatens destruction of the very things we are fighting to preserve.

We need our money for our war effort, not for political books to be placed in our public schools to warp the minds of our children. I repeat, propaganda has no place in our public schools.

No doubt I will, because of these remarks, be attacked from some quarters as reactionary. If so, I wish to refer my critics to these words of Alexander Hamilton:

A dangerous ambition more often lurks behind the spacious mask of zeal for the rights of the people than under the forbidding appearance of zeal for the firmness and efficiency of government. History will teach us that the former has been found a much more certain road to the introduction of despotism than the latter, and that of those men who have overturned the liberties of republics, the greatest number have begun their career by paying an obsequious court to the public; commending demagogues and ending tyrants.

In 155 years those words have lost none of their logic, sincerity, and truth.

(Mr. SPRINGER asked and was given permission to revise and extend his own remarks in the RECORD.)

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted, as follows:

To Mrs. SMITH of Maine (at the request of Mr. FELLOWS), for 3 days, on account of official business.

To Mr. BRADLEY of Pennsylvania (at the request of Mr. RIVERS), for 1 day, on account of official business.

#### ADJOURNMENT

Mr. CURLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until tomorrow, Tuesday, May 18, 1943, at 12 o'clock noon.

#### COMMITTEE HEARINGS

##### COMMITTEE ON THE PUBLIC LANDS

(Tuesday, May 18, 1943)

There will be a meeting of the Committee on the Public Lands at 10 a. m., Tuesday, May 18, 1943, for the purpose of considering H. R. 838, H. R. 2209, H. R. 2210, H. R. 2241, H. R. 2527, and various bills for the purpose of taxing Federal-owned land and such other matters as may properly come before the committee.

##### COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(Tuesday, May 18, 1943)

There will be a meeting of the committee at 10 a. m., on Tuesday, May 18, 1943, for consideration of housing bills.

##### COMMITTEE ON THE JUDICIARY

(Tuesday and Wednesday, May 18 and 19, 1943)

Subcommittee No. 3 of the Committee on the Judiciary will conduct hearings on H. R. 2139, to provide improvement in the administration of parole, and H. R. 2140, to provide a correctional system for adult and youth offenders convicted in courts of the United States, at 10 a. m., on Tuesday and Wednesday, May 18 and 19, 1943, in room 346, House Office Building, Washington, D. C.

#### COMMITTEE ON THE POST OFFICE AND POST ROADS

(Wednesday, May 19, 1943)

There will be a meeting of Subcommittee No. 8 of the Committee on the Post Office and Post Roads at 10 a. m., Wednesday, May 19, 1943, to consider H. R. 687. Public hearings will be held.

#### COMMITTEE ON IMMIGRATION AND NATURALIZATION

(Wednesday and Thursday, May 19 and 20, 1943)

The Committee on Immigration and Naturalization will hold hearings at 10 a. m. on Wednesday, May 19, and Thursday, May 20, 1943, on all bills dealing with the Chinese Exclusion Act—H. R. 1882, H. R. 2309, H. R. 2428, and H. R. 2429.

#### COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

(Thursday, May 20, 1943)

The Committee on the Merchant Marine and Fisheries will hold a public hearing on Thursday, May 20, 1943, at 10 a. m. on H. R. 2612, to extend the effective date of the act of December 17, 1941, relating to additional safeguards to the radio communications service of ships of the United States.

#### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

(Monday, May 24, 1943)

There will be a meeting of the subcommittee on investigation of restrictions on brand names and newsprint of the Committee on Interstate and Foreign Commerce, at 10 a. m., Monday, May 24, 1943.

Business to be considered: Public hearings pursuant to House Resolution 98 by Congressman HALLECK.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

419. A communication from the President of the United States, transmitting the estimate of appropriation for the Office of Price Administration for the fiscal year 1944 in the amount of \$177,335,000 (H. Doc. No. 204); to the Committee on Appropriations.

420. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill to amend section 11 of the Naval Aviation Cadet Act of 1942; to the Committee on Naval Affairs.

421. A letter from the Chairman, Federal Communications Commission, transmitting a draft of a proposed bill to amend section 353 (b) of the Communications Act of 1934, as amended; to the Committee on Interstate and Foreign Commerce.

422. A letter from the Archivist of the United States, transmitting report on lists of papers, recommended to him for disposal by certain agencies of the Federal Government; to the Committee on the Disposition of Executive Papers.

423. A letter from the Chairman, Reconstruction Finance Corporation, transmitting the report of the Reconstruction Finance Corporation for the month of February 1943; to the Committee on Banking and Currency.

424. A letter from the Secretary of War, transmitting a draft of a proposed bill to amend section 7 (c) of the act of May 21, 1920 (41 Stat. 613), as amended by section 601 of the act of June 30, 1932 (47 Stat. 417); to the Committee on Expenditures in the Executive Departments.



425. A letter from the Chairman, National Labor Relations Board, transmitting its views upon the amended version of S. 796; to the Committee on Military Affairs.

426. A letter from the Chairman, National War Labor Board, transmitting views of the Board on S. 796; to the Committee on Military Affairs.

427. Joint letter from the War Department, Navy Department, Labor Department, United States Maritime Commission, National Labor Relations Board, and War Production Board, transmitting certain views with respect to the amended version of S. 796; to the Committee on Military Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XXII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PETERSON of Georgia: Committee on Elections No. 3. Report asking for extension of time to take testimony in case of John B. Sullivan against Louis E. Miller, without amendment (Rept. No. 454). Referred to the House Calendar.

Mr. JOHNSON of Oklahoma: Committee on Appropriations. H. R. 2719. A bill making appropriations for the Department of the Interior for the fiscal year ending June 30, 1944, and for other purposes; without amendment (Rept. No. 455). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 149. A bill to increase agricultural purchasing power and to meet the need of combating malnutrition among the people of low income by defining and making certain a reasonable definition and standard for nonfat dry milk solids; with amendment (Rept. 456). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BULWINKLE:

H. R. 2720. A bill to amend section 1 (4) of the Interstate Commerce Act, to permit joint action by common carriers subject to part I, II, III or IV, respectively, in connection with procedures related to the establishment of rates, and the taking of other action; to the Committee on Interstate and Foreign Commerce.

By Mr. COLE of New York:

H. R. 2721. A bill to amend further the Civil Service Retirement Act, as amended; to the Committee on the Civil Service.

H. R. 2722. A bill to authorize the Administrator of Veterans' Affairs to furnish firing squads, color guards, and buglers for funerals of veterans; to the Committee on World War Veterans' Legislation.

By Mr. LANDIS:

H. R. 2723. A bill to authorize the conveyance of Harrison Park in the city of Vincennes to Vincennes University; to the Committee on Public Buildings and Grounds.

By Mr. PETERSON of Georgia:

H. R. 2724. A bill providing for taxation by the States and their political subdivisions of certain real property acquired for military purposes; to the Committee on the Public Lands.

By Mr. STEAGALL:

H. R. 2725. A bill to continue Commodity Credit Corporation as an agency of the United States, increase its borrowing power, revise the basis of the annual appraisal of its as-

sets, and to provide for an audit by the General Accounting Office of the financial transactions of the Corporation, and for other purposes; to the Committee on Banking and Currency.

By Mr. BECKWORTH:

H. R. 2726. A bill to amend the Social Security Act; to the Committee on Ways and Means.

H. R. 2727. A bill to provide that Federal grants for old-age assistance shall match State contributions 4 for 1 as to payments up to \$30 and equal State contributions as to additional payments not in excess of \$40; to the Committee on Ways and Means.

#### MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Texas, memorializing the President and the Congress of the United States concerning modification of Executive Order No. 9320, of the United States Department of Agriculture; to the Committee on Agriculture.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EBERHARTER:

H. R. 2728. A bill for the relief of Albert Grady; to the Committee on Claims.

By Mr. HOEVEN:

H. R. 2729. A bill for the relief of Helene Murphy; to the Committee on Claims.

By Mr. MONRONEY:

H. R. 2730. A bill for the relief of Mrs. E. B. Neville; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

770. By Mr. KEE: Petition of Elena Hardin and 22 other citizens and residents of Bluefield, W. Va., to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war, by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war and until termination of demobilization, through the passage by Congress of House bill 2082, introduced in the House of Representatives by Hon. JOSEPH R. BRYSON, of South Carolina; to the Committee on the Judiciary.

771. Also, petition of Mrs. E. B. Wolford and 22 other citizens and residents of Bluefield, W. Va., to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war, by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war and until termination of demobilization, through the passage by Congress of House bill 2082, introduced in the House of Representatives by Hon. JOSEPH R. BRYSON, of South Carolina; to the Committee on the Judiciary.

772. By Mr. LUTHER A. JOHNSON: Memorial of Hon. Joe Sullivan, mayor of Centerville, Tex., favoring continuance of the National Youth Administration; to the Committee on Appropriations.

773. Also, memorial of Howell Jones, secretary, South Texas Press Association, San Antonio, Tex., favoring continuance of the congressional committee investigating the newsprint situation; to the Committee on Interstate and Foreign Commerce.

774. By Mr. ROHRBOUGH: Petition of Mrs. W. P. Casto and 20 other citizens of the

city of Buckhannon, W. Va., urging the passage of House bill 2082, introduced by the Honorable JOSEPH R. BRYSON, of South Carolina, to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war, by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war and until the termination of mobilization; to the Committee on the Judiciary.

775. By Mr. SMITH of West Virginia: Petition of sundry citizens of the State of West Virginia to Congress to pass House bill 2082, introduced by Hon. JOSEPH R. BRYSON, of South Carolina; to the Committee on the Judiciary.

776. By Mr. ANGELL: Petition of certain citizens of Portland, Oreg., asking for the enactment of House bill 2082; to the Committee on the Judiciary.

777. By Mr. ANDREWS: Resolution of Local 308, United Electrical Radio and Machine Workers of America, of North Tonawanda, N. Y.; to the Committee on the Judiciary.

778. Also, petition of Alta Schweigert and 21 citizens of Newfane, Niagara County, N. Y., favoring passage of House bill 2082; to the Committee on the Judiciary.

779. By Mr. GRAHAM: Petition of 80 citizens of Beaver County, Pa., urging the passage of House bill 2082, introduced by Hon. JOSEPH R. BRYSON, of South Carolina, to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war, by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war and until the termination of mobilization; to the Committee on the Judiciary.

780. By Mr. BENNETT of Missouri: Memorial of the Missouri State House of Representatives, favoring means of reducing taxes; to the Committee on Ways and Means.

781. By Mr. HOPE: Petition favoring House bill 2082, to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war; to the Committee on the Judiciary.

782. Also, petition favoring House bill 2082, to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war; to the Committee on the Judiciary.

783. By Mr. HOLMES of Washington: Petition of sundry citizens of Walla Walla, Clarkston, Pullman, Touchet, Hay, Sunnyside, Wapato, and other towns and cities in the State of Washington, favoring enactment of House bill 2082, prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war and until the termination of mobilization; to the Committee on the Judiciary.

784. By Mr. REED of Illinois: Petition of Marietta H. Earl, 69 South View Street, Aurora, Ill., and 19 citizens of Kane County, Ill., urging the passage of House bill 2082, introduced by Hon. JOSEPH R. BRYSON of South Carolina, to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war and until the termination of mobilization; to the Committee on the Judiciary.

785. By Mr. SCHIFFLER: Petition of Mr. and Mrs. Howard Lotz and other citizens of the Wheeling area of West Virginia, urging the establishment of a Chiropactic Corps in the armed forces now; to the Committee on Military Affairs.

786. By Mr. HEIDINGER: Communication



## FIXING A REASONABLE DEFINITION AND STANDARD OF IDENTITY OF CERTAIN DRY MILK SOLIDS

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MAY 17, 1943.—Referred to the House Calendar and ordered to be printed

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Mr. LEA, from the Committee on Interstate and Foreign Commerce,  
submitted the following

### REPORT

[To accompany H. R. 149]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 149) to increase agricultural purchasing power and to meet the need of combating malnutrition among the people of low income by defining and making certain a reasonable definition and standard for nonfat dry milk solids, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Line 5, before "dry" insert "nonfat".

Line 9, after "centum" insert "by weight of".

Line 10, after "centum" insert "by weight".

Amend the title of the bill so as to read:

A bill to fix a reasonable definition and standard of identity of certain dry milk solids.

This bill proposes to establish "a reasonable definition and standard of identity" for defatted milk solids. Under the definition proposed for the purposes of the Federal Food, Drug, and Cosmetic Act, nonfat dry milk solids, or defatted milk solids, would consist of the dried product of sweet milk of cows from which the cream has in whole, or in part, been removed. Such product shall not contain more than 5 percent of moisture nor over 1½ percent of fat, unless otherwise indicated.

Under the Food, Drug, and Cosmetic Act as now administered, by Government compulsion, dry milk solids containing less than the whole of the butterfat of milk is required to be sold under the designation of "skim."

The word "skim" is a term which stigmatizes the product to which it is applied because it carries the impression of inferiority or worthlessness.

Every article of merchandise is sold on its reputation, its good or bad name. The compulsory application of this bad name to a good product is inaccurate, unfair, and retards the use of this very valuable food product by millions of consumers of the country. The purpose of this bill is to remove that stigma from a valuable and wholesome food.

#### CONSUMER NEEDS

There are said to be over 30,000,000 people in the United States who do not directly use milk, either dry or liquid. Millions of these people are of the underprivileged class and suffer from malnutrition for the lack of a properly balanced diet, and particularly those qualities of a balanced diet that are contained in defatted milk solids. Of all the vast supply of separated milk in the United States, only a comparatively trivial amount of this valuable food product reaches the consumers who need it. There is probably no comparable source of an increased supply for human consumption of a food of so valuable a quality as that contained in defatted milk solids.

On account of its nutritional qualities, nutritive value, and its compact form defatted milk solids are in demand for military services and for lend-lease purposes. Ninety percent of the spray processed powder has been set aside by the Government for overseas shipment.

The advantage of compactness in getting food to England, to Russia, and to our armies overseas by cargo ship, through submarine-infested waters is obvious. It is a great saver of ships. Dry milk solids are roughly a tenth the weight of the liquid product from which derived without loss in food value. Besides the dried milk is comparatively free of the deteriorating influences to which liquid milk is susceptible.

The Federal Government also requires, by order of the Food Distribution Administration, that all white bread shall be enriched by the addition of milk solids.

#### CONSUMER RESISTANCE

The main use of dry milk solids in America has been in compounding them in the manufacture of food products rather than in their direct use. There is an important and more or less general resistance to a separate product required to be sold as skim milk.

There has been a greatly increased use of dehydrated products due to war demands and our lend-lease policy; yet the price for dried milk products is entirely out of line with that of other dried food products. The Government buying prices for dried eggs, beef, and pork last year were on an average of \$1.05, \$1.04, \$1.34 per pound, respectively, while the price for dried skim milk was 12.8 cents per pound. We are advised that on the basis of only the calories or energy furnished by these products, the prices for eggs, beef, and pork was more than five times as high as the price quoted for dried skim milk.

On the basis of both the energy and protein, the price paid for dehydrated beef was 11 times as high as the price for dried skim milk. The price for dried eggs was 14 times as high, and the price for dehydrated pork was 30 times as high.

The relative acceptance and use of dried milk by the consumer was out of all proportion to its relative value as human food.

It is difficult for a good product to sell under a bad name.

ADMINISTRATIVE DENIAL OF RELIEF

Under section 401 of the Food, Drug, and Cosmetic Act, and the related Executive order, the Administrator of the Federal Security Agency, when in his judgment such action "will promote honesty and fair dealing in the interest of consumers," shall promulgate regulations fixing and establishing for any food, "under its common and usual name, so far as it is practicable, a reasonable definition and standard of identity."

Labels used in connection with the advertising or sale of such foods are required under severe penalties to conform to the definition so established.

On application of an interested industry, or a substantial portion thereof, stating reasonable grounds therefor, the Administrator shall hold a public hearing upon a proposal to issue, amend, or appeal any such regulation.

The original order fixing the definition and requiring the use of the word "skim" was made on July 6, 1940.

The dry-milk industry, with the cooperation of a large part of the dairy industry, has three times petitioned for a definition that would eliminate the word "skim" from the required name of dried-milk solids. Its petition has three times been denied. The first petition was filed on August 23, 1940, within 2 months of the original order. After the second denial, the industry came to Congress for relief, in the Seventy-seventh Congress. Under the suggestion that the industry and the Administrator get together and agree upon a satisfactory definition for this product, consideration of the matter by our committee was temporarily dropped. After a fruitless effort to secure relief by a satisfactory adjustment, the industry presented a formal petition requesting another hearing of the matter. The petition of the industry was alleged to be supported by 80 percent of the dry-milk industry and was also supported by a very substantial portion of the dairy industry of the country.

Among other things the petition stated:

We request that any regulation that may be issued, or amendment of the present regulation, shall eliminate any provision for the compulsory use of the words, "dried skim milk," "powdered skim milk," or "skim milk powder." We suggest that a standard of identity include the words, "dry milk solids" or "defatted milk solids," or other words which accurately define the finished product; that the standard should define the product and not the method of preparation or what is misconceived to be the method of preparation.

It will be noted that this petition asked for the elimination of the word "skim" from the definition and suggested the words "dry milk solids, or defatted milk solids, or *other words which accurately defined the finished product.*" With the word "skim" eliminated, the industry was satisfied to leave to the Administrator the selection of proper words to define the product. This proposal was rejected. The effort to secure this relief proved futile and the supporters of this legislation then turned to Congress as the only available source of relief from the injustice of the present stigma cast upon this product by existing regulations.

Prior to denial of this petition, the industry had sought an adjustment in the matter by conferences with the representatives of the Administrator. No adjustment was secured.

The last petition to the Administrator was presented January 13, 1943, and denied February 2, 1943.

## A COMMON NAME SO FAR AS PRACTICAL

An attempt was made at hearings to justify the refusal of the Administrator to relieve the situation by the claim that it was his duty to designate the common name of the food and that skim milk was the common name of the product from which dry milk solids are produced.

In the first place, the law gives a discretion to the Administrator.

In the second place the name selected should be an honest one and not deceptive.

There are two commonly used names which identify segregated milk solids. One identifies milk segregated by the process of skimming—skim milk—and the other, segregated by the use of the modern cream separator—separated milk. Each of the common names describes the product by the method of segregation. These processes will be described in more detail later.

From a practical standpoint there are no milk solids on the market produced by the skimming process. The only dry milk solids on the market are derived from the product which comes from the cream separator.

The two terms in contrast clearly identify the difference between skimmed milk and separated milk. In contrast, they not only indicated the difference in the method of segregation but also the more important difference in quality.

A true and accurate common name to apply to the product made by the cream separator was "separated milk."

"Skim milk" and "separated milk"—here were two names which commonly defined the two products respectively. If the administrative agency was contented to describe these products by the mere method of segregation, why did it not apply to milk solids segregated by the separator process the name of "separated milk" instead of the inaccurate and out-moded name of "skim milk"? A name essentially false was thus imposed on a product that was otherwise free from the stigma of skim milk. The common name accurately applicable was rejected.

## AN HONEST NAME

As indicated above, there are two commonly recognized methods of segregating the fat of milk from its other solids. One is the old method, hand skimming, and the other is by the modern cream separator. Each method resulted in a common name describing the product from the mechanical method of separating the solids rather than by a description of the qualities of the resulting products.

Skim milk, secured by the process of skimming, was ordinarily the residue product after milk had stood in pans for 1 or 2 days, then was hand skimmed. Ordinarily it was not under refrigeration. Bacterial changes promptly set in, breaking down the normal qualities of the residue of the milk. The skim milk thus secured was not only inferior in the sense that it was inferior to the whole milk. It was an inferior product also because of the deterioration suffered before the skimming took place.

Very frequently skim milk was handled under the most insanitary conditions and was used principally for hog feed. In this manner the word "skim" in its historical origin, and in practice, came to designate an inferior article and much of it was unfit for human consumption. The prejudice against the name had its foundation in the facts.



Separation of solids from milk by the modern cream separator is an entirely different process. The milk, taken while fresh, uncontaminated and unchanged by bacterial action or unsanitary conditions, is placed in a separator and in a few minutes passes through the separator and is converted into cream and separated milk. Then this separated milk is placed in a modern dehydrator and in a few seconds it pours out of a machine in a stream of pure dry milk solids.

In each of these cases there was a segregation of the fat solids from the defatted milk solids, in the one case by skimming and in the other by separation. The effects upon the resulting product were radically different.

To apply to the product of a modern dehydrator that same name as was applied to the antiquated and discarded method of skimming milk is practically an absurdity, untruthful in its inferences, inaccurate in fact.

#### "SKIM" CARRIES A STIGMA

The Century Dictionary states:

Skim milk: Milk from which the cream has been skimmed; hence, figuratively, that which lacks substantial quality, as richness or strength; thinness; inferiority.

A large baker customer, about to launch an extensive advertising campaign on the fact that he enriched his bread with dry milk solids, on learning that the Food and Drug regulations prevented him from doing so unless he used the term "dry skim milk," abandoned his campaign.

The stigma of the term "skim" is so generally recognized as to furnish a very practical barrier to retard the use of the product. The compulsory use of that term is an injustice to the consumers of the country. The unfavorable reaction is reflected in the limited sales, or demands, for the product and the resulting injustice to the producers of the product.

The terms "dry milk solids" and "nonfat dry milk solids" are now extensively used in educational publications issued by universities, colleges, and experiment stations throughout the country and even in United States Government publications and orders. So that the word "skim" as widely recognized in educational and governmental, as well as dairy industry circles, is not fairly descriptive of the nonfat dry milk solids.

"Defatted milk solids," or "nonfat dry milk solids," are accurate descriptions of the product, without deception, without stigma and without injury to anyone.

The demand for the change of this unfortunate regulation comes from an important industry whose legitimate activities should be encouraged instead of handicapped by unwarranted administrative regulations.

#### PRACTICAL NUTRITIONISTS SUPPORT BILL

Among others, two of the most famous nutritionists of the country gave their impressive support.

One was Dr. E. V. McCollum, professor biochemistry, at the Johns Hopkins University, and the other, Dr. Ralph M. Wilder, a member of the staff of the Mayo Clinic, who is Chief of the Branch of Civilian Requirements of the Food Distribution Administration. Dr. Wilder is also a member of the Council of Foods, American Medical Associa-

tion, and of the National Research Council's Committee on Food and Nutrition. These two men of outstanding ability and experience, trained in the school of practical affairs, with a deep devotion to the service of their profession, realize the practical importance of this legislation and give it their heartiest endorsement. Among other things, Dr. McCollum said:

It is my hope that your committee will approve and Congress will pass H. R. 149 in order to do justice to an excellent food product.

The term "dry skim milk," which is now the legal name for dry milk solids, is unfair and untrue; it means inferiority and I'll tell how that came about.

But first, let me say that this product, which we want legally to call "dry milk solids" is now recognized by all nutritionists as the most valuable part of milk. It is also our greatest undeveloped food resource. If its development had been encouraged instead of being held back by a bad name, and we now had twice or three times as much milk powder for overseas shipment, our present emergency food problem would be greatly simplified.

It is another case of short-sightedness—"too little, too late."

The historical reason why "skim" is a bad name is this: People were taught years ago that only the cream or fat of milk was valuable. Besides, the skimming method was primitive; milk stood for hours without refrigeration to let the cream rise; it deteriorated, and often the "skim" milk was only fit for hog feed. "Skim milk" came to mean hog feed and still does in the minds of most people.

Dry milk solids or defatted milk solids today are made from sweet separated milk. This milk is cooled immediately after milking and taken to modern manufacturing plants by quick transport. There it is put through a mechanical cream separator, shot under the pressure to the drier, and becomes powder within a few seconds. There has been no deterioration as in the old-fashioned skimming process. In a food so delicate as milk this is of first importance.

#### THE ADMINISTRATIVE REGULATION AS TO SKIM MILK IS A BARRIER TO BETTER NUTRITION IN THIS COUNTRY

Here are some excerpts from Dr. Wilder, of the Mayo Clinic:

\* \* \* the nonfat milk solids are of great importance, representing perhaps the most valuable form of protein food there is and containing also one of the most important sources of riboflavin. Riboflavin is a vitamin which is not provided abundantly by any other foods. Calcium, a mineral which is not provided abundantly by other foods also is best supplied by milk.

The main reason, however, for the value of nonfat solids in milk is because of their content of certain essential amino acids not found to a corresponding degree in many other foods \* \* \*.

There is a very wide agreement among nutritionists that the use of the word "skim" creates a resistance on the part of the public to the acceptance of this product \* \* \*.

We are anticipating that a large production of these dry milk solids will be needed. We need that product badly to supply the export requirements for Lend-Lease and for foreign relief that we shall be engaged in. The Army is using large amounts of material of this type \* \* \*.

When the war is over we shall have these large plants for manufacturing these dry milk solids. Many of us hope that when the war is over we can have this product accepted by the public at large and sold in the grocery stores in packages. Experience has shown, however, that the public while accepting this so-called skim-milk product when they do not know that it is at present mixed with other foods, resist it when you try to sell it to them as "skim milk" solids.

I see no purpose in obstinately setting up a psychological barrier to the accomplishment of better nutrition in this country \* \* \*. My feeling is that it is impractical to use the name "skim milk"; impractical from the standpoint of getting the wide use we want to have.

I also feel that the name is not perfectly honest and, therefore, the use of that name, "skim milk," I consider is not promoting honesty. The implication of the name is an untruth. The implication of the name is that you are trying to distribute something that is inferior, whereas, as a matter of fact, you are trying to distribute something that is nutritionally very superior \* \* \*.

My feeling is that the words "nonfat" or "defatted" would not be misleading \* \* \*. You are leaning over backward in giving the public something more than they expect to receive when you call it "defatted."

I think it is very important for the future prosecution of the war and in the future nutrition of this country, that we get this product widely distributed, and for that reason, as I say, speaking solely for Dr. Wilder, nobody else, appearing here only as a citizen of the United States, I feel strongly in this matter and would like to see a change made in that name.

As stated by Dr. Wilder, the insistence on the word "skim" is obstinately setting up a psychological barrier to the consumption of this useful produce. It sets up a barrier to better nutrition in this country. He states it is impractical to use the word "skim" from the standpoint of getting the widest use of dry milk. He also feels that the name is not perfectly honest. The implication of the name is an untruth as applied to defatted milk produced by the modern methods.

#### SUPPORTERS OF LEGISLATION

Extensive hearings were held upon this question in both the present and in the last Congress.

A substantial majority of the dairy industry of the United States desires this legislation. Among them is the National Cooperative Milk Producers Federation representing 60 farmer-owned and controlled cooperative associations in 40 States, with a membership in excess of 260,000. The American Dry Milk Institute represents in excess of 75 percent of the dry-milk manufacturers in the United States. Evidence was presented showing endorsement of the bill by numerous State dairymen's associations, manufacturers of dairy products, and many individual dairymen and manufacturers. While dry-milk manufacturing and production is a small part of the whole dairy industry, yet a large proportion of that industry does participate in dry-milk production.

Proponents of the bill included numerous educators, heads of the dairy departments of State colleges and universities, including those of a dozen States. Educators appearing as witnesses favoring the legislation included Prof. C. A. Iverson, head, dairy department, Iowa State College; Dr. Ouida Davis Abbott, head, department of home economics, University of Florida; Prof. C. L. Roadhouse, head, dairy industry division, University of California; Prof. B. W. Fairbanks, department of animal industry, University of Illinois.

Also included among the proponents were a number of State department of agriculture officials. Numerous editorials from the farm press, newspapers, and industry publications have given their aid.

The bakers, who are the largest users of the product, were represented in their support of the bill by such organizations as the American Bakers Association, and the American Institute of Baking, and by several witnesses.

A large number of persons and organizations appeared and approved of the legislation, as indicated by the hearings, pages 144-146.

This legislation is of especial interest to the enlightened and humane class of our people who are interested in the welfare of children and their relief from the evils of malnutrition.

Dr. Ouida Davis Abbott, of the University of Florida, who has given so much of her life in behalf of children, presented striking



information indicating the importance of getting this valuable dry milk product out to the underprivileged children of the country.

She referred to the grocer who wanted nothing to do with "skim milk" in a community where there was so much need for dry milk solids.

Asked to express an opinion as to whether the use of the word "skim" to identify this milk tends to retard its use, she replied:

It does in the store, certainly. We have the most trouble with the grocers. I think I can control the little group I am working with, but not the grocer and the other people.

Here follows report of the Federal Security Agency on H. R. 7002 of the Seventy-seventh Congress, an identical bill to H. R. 149 of the present Congress:

FEDERAL SECURITY AGENCY,  
Washington, June 15, 1942.

HON. CLARENCE F. LEA,  
*Chairman, Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Reference is made to your letter of April 28, 1942, requesting a report relative to H. R. 7002, a bill to increase agricultural purchasing power and to meet the need of combating malnutrition among the people of low income by defining and making certain a reasonable definition and standard for nonfat dry milk solids.

This bill proposes to establish a definition and standard for the food to which it refers for the purposes of the Food, Drug, and Cosmetic Act.

As you may recall, pursuant to and by virtue of the provisions of section 401 and 701 (e) of the Federal Food, Drug, and Cosmetic Act, a definition and standard of identity for this food was established under date of July 6, 1940, and published in the Federal Register of July 12, 1940 (copy attached).<sup>1</sup> This action was taken in accordance with the law after proper hearing and findings of fact. Thereafter an effort was made to invalidate the order by a petition to the Circuit Court of Appeals of the Eighth Circuit (*Twin City Milk Producers Ass'n et al. v. McNutt, Federal Security Administrator (American Dry Milk Institute, Inc., et al., Interveners)*, 122 Fed. (2d) 564, 123 Fed. (2d) 396). The order was approved and affirmed.

If enacted, H. R. 7002 will have the effect of amending this definition and standard of identity as follows:

*Present Food and Drug Regulation*

Dried Skim Milk, Powdered Skim Milk, Skim Milk Powder, is the food made by drying sweet skim milk.

It contains not more than five percent of moisture, as determined by the method prescribed in Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists, Fourth Edition, 1935, page 282, under the caption "Moisture—Tentative".

The term "skim milk" as used here in means cows' milk from which the milk fat has been separated.

*Proposed by H. R. 7002*

Dry Milk Solids or Defatted Milk Solids is the product resulting from the removal of fat and water from milk, and contains lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made.

It contains not over 5 per centum moisture.

The fat content is not over 1½ per centum unless otherwise indicated.

The term "milk," when used herein, means sweet milk of cows.

<sup>1</sup> Not printed.



The principal issue presented by the proposed bill is as to the name under which the product is to be sold. The names permitted under the present food and drug regulation are "Dried Skim Milk," "Powdered Skim Milk," and "Skim Milk Powder." At the hearing prior to the adoption of this regulation the contention was advanced that the use of the term "skim milk" is arbitrary and unreasonable because it tends to create a derogatory impression in the public mind of the quality or the food value of the product. It was developed that manufacturers had been fostering the use in the trade of the designation "Dry milk solids not over 1½ percent fat." The evidence showed that consumers are unfamiliar with this designation, that it is not correctly descriptive of the product, and that it is misleading. From the record it was apparent that, if the adoption of such a designation would promote the sale of the product, this would be accomplished only through deception of consumers.

Relative to this point the circuit court of appeals (122 Fed. (2d) 568) said:

"It is further contended that the use of the term 'skim milk' is arbitrary and unreasonable, because it tends to create a derogatory impression in the public mind of the quality or food value of the product. The American Dry Milk Institute, which was an association of producers of skim milk powder, had been trying to foster the use in the trade of the designation 'Dry milk solids not over 1½ percent fat,' and petitioners and interveners asked the Administrator to adopt this term.

"The statute required the Administrator, in fixing a definition and standard of identity for a food, to do so 'under its common or usual name so far as practicable.' What was the common or usual name of the food product here involved, and whether its use in a regulation would be practicable for administrative purposes, were questions for the Administrator, on which we would not be at liberty to disturb his determination, if based upon substantial evidence. Such substantial evidence is contained in the record in this case. The Administrator was not required to hold it impracticable, for regulation purposes, to use what the evidence sufficiently showed to be the common or usual name of a product among ultimate consumers, merely because such a designation might not be as conducive to sales by producers as some term of commercial coinage and glossing. The Administrator's obligation under the statute was simply the promotion of honesty and fair dealing in the interest of consumers. While he would have no right to adopt a designation for the purpose of destroying trade in a legitimate food product, there could ordinarily be no arbitrariness involved in using the common or usual name of such a product for regulation purposes."

An important feature of the Food, Drug, and Cosmetic Act which has proved of great value to consumers is its requirement of informative labeling of food and drug products. To insure that consumers will be neither misled nor confused by the names employed on labels, the act requires that labels of foods and drugs bear their "common or usual" names, and the "common or usual" names of ingredients. Although in the present case it has been found that milk from which the milk fat has been separated and moisture removed is commonly known as dried skim milk, powdered skim milk, or skim milk powder, H. R. 7002 seeks a designation of this food as dry milk solids or defatted milk solids. At best these proposed names are confusing; at worst, thoroughly deceptive.

Dried skim milk is a valuable food, but it should be sold for what it is. No good is to be accomplished by so changing the definition and standard as to create the impression that the product in question is not a skim-milk product. Even if this should accelerate sales temporarily, it is probable that producers and marketers would find in time that the consuming public has discovered the product's mislabeling and reacted accordingly.

Since enactment of the bill would weaken the consumer protective features of the food and drug law and would create a wholly undesirable precedent, I recommend that it not be enacted.

This Agency is advised by the Bureau of the Budget that there would be no objection to the submission of this report to your committee, as it is not believed that this legislation could be considered as being in accord with the program of the President.

Sincerely yours,

PAUL V. McNUTT, *Administrator.*



## FIXING A REASONABLE DEFINITION AND STANDARD OF IDENTITY OF CERTAIN DRY MILK SOLIDS

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MAY 17, 1943.—Referred to the House Calendar and ordered to be printed

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Mr. CHAPMAN, from the Committee on Interstate and Foreign  
Commerce, submitted the following

### MINORITY VIEWS

[To accompany H. R. 149]

The undersigned, members of the Committee on Interstate and Foreign Commerce, submit the following minority views with respect to this bill which would rechristen dried skim milk as "nonfat dry milk solids" or "defatted milk solids."

This bill has been sponsored by manufacturers of dried skim milk. Their purpose is revealed by their testimony at the hearings in support of the name "dry milk solids," one of the names in the bill as introduced. That name means nothing more nor less than dried whole milk; what these people really seek is legislative permission to profit by deceiving consumers and impoverishing their diet by selling them skim milk as whole milk.

These manufacturers are dissatisfied with the definition and standard of identity for dried skim milk promulgated by the Federal Security Administrator, under the authority of the Federal Food, Drug, and Cosmetic Act, which requires them to sell their product for what it is. The enactment of this bill would reverse the policy of truth in labeling inherent in all food legislation and would upset an administrative order, issued in full compliance with the law and affirmed by the Circuit Court of Appeals for the Eighth Circuit, which was designed to prevent deception of the public and to promote honesty and fair dealing in the interest of consumers of dried skim milk as such or as an ingredient of other foods.

The Food, Drug, and Cosmetic Act, which was sponsored by the Committee on Interstate and Foreign Commerce, was passed in June 1938. In recognition of the need for food standards to maintain the integrity of our food supply and to protect against adulteration, and because of the impossibility for Congress itself to enact the multiplicity of food standards needed, the act delegated to the Adminis-

trator authority to provide standards for foods, under their common or usual names so far as practicable, when in his judgment such action would promote honesty and fair dealing in the interest of consumers.

The act further sets out elaborate safeguards against arbitrary action, which must be followed before standards are promulgated. It requires that proposals for standards be published and that at least 30 days' notice be given on public hearings on the proposals. It requires that detailed findings of fact, based only on substantial evidence, be made exclusively upon the record of the hearing, and that the standard finally issued be supported by the findings of fact. It further provides for a special form of court review in circuit courts of appeals on petition of any person who will be adversely affected by the order.

The promulgation of the standard for dried skim milk by the Administrator was preceded by a duly announced public hearing at which all interested parties had full opportunity to present their views. Representatives of the manufacturers sponsored the name "dry milk solids not over 1½ percent fat" as opposed to the common or usual name, "dried skim milk." However, the evidence was not merely substantial but it was overwhelming that the term proposed by the manufacturers was not generally understood by consumers, that it was confusing and in many instances downright misleading.

Acting under the statutory mandate to prescribe a standard under the common or usual name of the food, so far as practicable, the Administrator made a finding of fact that the terms "dried skim milk," "powdered skim milk," or "skim milk powder" are the common and usual names of the product. The Administrator went further than required by law and issued his standard in tentative form with invitations for the submission of briefs and arguments. Full advantage was taken of this by the manufacturers, but after full consideration of all the arguments advanced the Administrator promulgated this standard defining the product under those names he had found to be common or usual.

The manufacturers promptly resorted to the special court review section of the act, but the Administrator's standard was upheld in its entirety. They now demand that the Congress upset this judicially affirmed order designed to prevent deception of the public and to promote honesty and fair dealing in the interest of consumers.

One of the most important features of the law we enacted in 1938 was the requirement, which recurs again and again in the text of the statute, that consumers be given full information concerning foods they purchase, that all statements concerning such articles be in terms that are readily understandable to the ordinary purchaser, and that foods be designated by their common or usual names instead of being disguised under noninformative or fanciful designations.

In the light of the statutory requirements the action of the Administrator of the Federal Security Agency in prescribing his standard for dried skim milk was in no wise arbitrary. It was the only action he could take in the light of the law and the facts. To have done otherwise he would have disregarded the law, the facts, and his obligation to prevent deception in the sale of foods.

At hearings on this bill testimony was given by competent, unbiased officials of the Department of Agriculture that consumers are not prej-



udiced against skim milk, although they may not be fully aware of its nutritional value. But changing its name will not increase consumer knowledge of its nutritional worth.

Through its Bureau of Home Economics the Department has distributed in vast numbers publications concerning the uses of dried skim milk and pointing out its food values. This educational campaign has gained substantial momentum. To change the name of the product to some designation with which consumers are not familiar would be seriously confusing and would result in undue loss of the advances that have been made in acquainting the public generally with the values of dried skim milk. This would be most unfortunate both from the standpoint of manufacturers of the product and the public at a time when nutritionists everywhere are stressing the need for adequate diets and supplies of many staple foods are curtailed.

Dried skim milk is a nutritious food. But skim milk is notably less nutritious than whole milk and its substitution for whole milk, which is the objective of the manufacturers sponsoring this bill, would impoverish the diet and might impair the health of consumers who are induced to use it in place of milk.

Although the committee has removed from the bill the forthrightly false name "dry milk solids," the names now carried by the bill "non-fat dry milk solids" and "defatted milk solids" are confusing and liable to mislead. These names are not known to the public as the designation of any commodity and they convey no definite and established meaning as does the term "dried skim milk." There can be no point to this rechristening except to conceal from consumers the identity of the product. To the extent that this objective is accomplished consumers will be cheated and their diet debased.

An effort was made by some of the witnesses at the hearings to befog the issue with claims that the term "skim milk" is properly applicable only to the product resulting from hand skimming and does not apply to the product of a cream separator. The speciousness of this argument is shown by the fact that dictionary definitions of the cream separator as well as catalogs of manufacturers of the machines designate one of the two spouts as the "skim milk spout." Another red herring is that the term "skim milk" implies an insani-tary product. No lexicographer bears this out; the term has no connotation as to sanitary quality.

We do not believe that the proposed changes in name would be of either immediate or long-term benefit to manufacturers of dried skim milk. It would not only undo the substantial educational progress toward wider consumer acceptance of the commodity but usually consumer resentment follows efforts to dress common foods with unfamiliar and confusing names when the facts become generally known, as unquestionably they would be in this case. If prejudice exists against skim milk, as claimed, renaming the product would not remove the prejudice.

If the principle involved here should be extended to fluid skim milk, evaporated skim milk, condensed skim milk, and other dairy products made from skim milk, chaos would reign in the marketing of whole milk and its corresponding products and the dairy industry as a whole would suffer, as well as the public.

The enactment of this legislation would constitute an invitation to ignore judicially confirmed Executive orders and to appeal to Congress on every order which some dissatisfied segment of an interested industry feels, even mistakenly, would impair its financial gains.

The fundamental requirements of the Food, Drug, and Cosmetic Act that the consumer be truthfully informed are as sound with respect to this product as to any other. If the Congress is to reverse the policy enacted in that law, it should do so for whatever benefit it may be to manufacturers of all foods rather than for the financial advantage of only those who make dried skim milk. But we submit that those provisions of the law which enjoin truth are beneficent and should not be weakened by legalizing the sale of dried skim milk or any other product under names which are unfamiliar, confusing, and reveal less than the truth. Adherence to the principle of simple honesty impels us to oppose this measure.

VIRGIL CHAPMAN,  
THOMAS D'ALESSANDRO, Jr.,  
FRANCIS J. MYERS,  
CARROLL REECE.



## Union Calendar No. 163

78TH CONGRESS  
1ST SESSION

# H. R. 149

[Report No. 456]

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### IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1943

Mr. PATMAN introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

MAY 17, 1943

Reported with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed

[Insert the part printed in italic]

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## A BILL

To increase agricultural purchasing power and to meet the need of combating malnutrition among the people of low income by defining and making certain a reasonable definition and standard for nonfat dry milk solids.

1      *Be it enacted by the Senate and House of Representa-*  
2      *tives of the United States of America in Congress assembled,*  
3      That for the purposes of the Federal Food, Drug, and Cos-  
4      metic Act of June 26, 1938 (ch. 675, sec. 1, 52 Stat. 1040),  
5      *nonfat dry milk solids or defatted milk solids is the product*  
6      *resulting from the removal of fat and water from milk, and*  
7      *contains the lactose, milk proteins, and milk minerals in the*  
8      *same relative proportions as in the fresh milk from which*

1 made. It contains not over 5 percentum *by weight of*  
 2 moisture. The fat content is not over  $1\frac{1}{2}$  per centum *by*  
 3 *weight* unless otherwise indicated.

4 The term "milk", when used herein, means sweet milk  
 5 of cows.

Amend the title so as to read: "A bill to fix a reasonable definition and standard of identity of certain dry milk solids."

Union Calendar No. 163

78TH CONGRESS  
1ST SESSION

**H. R. 149**

[Report No. 456]

## A BILL

To increase agricultural purchasing power and to meet the need of combating malnutrition among the people of low income by defining and making certain a reasonable definition and standard for nonfat dry milk solids.

By Mr. PARMAN

JANUARY 6, 1943

Referred to the Committee on Interstate and Foreign Commerce

MAY 17, 1943

Reported with amendments, committed to the Committee of the Whole House on the state of the Union, and ordered to be printed







SEC. 4. The right to alter, amend, or repeal this Act is expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### PUBLIC LIBRARY

Mr. RANDOLPH. Mr. Speaker, I call up the bill (S. 1224) to designate the Public Library of the District of Columbia a public depository for governmental publications, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. DIRKSEN. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. RANDOLPH. Mr. Speaker, in response to the request of the distinguished ranking minority member of the House District Committee, may I say to the Members that the bill S. 1224 passed the Senate unanimously. At the present time the District of Columbia Public Library does not have the right to act as a depository for public documents of the United States. This bill simply gives to the Librarian of the District of Columbia the right to receive such documents.

Mr. DIRKSEN. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Public Library of the District of Columbia is hereby constituted a designated depository of governmental publications, and the Superintendent of Documents shall supply to such library one copy of each such publication, in the same form as supplied to other designated depositories.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### MAILING OF ANNUAL NOTICES TO OWNERS OF TAX-EXEMPT PROPERTIES IN THE DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I call up the bill (S. 789) to provide for the mailing of annual notices to owners of tax-exempt properties in the District of Columbia, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. DIRKSEN. Reserving the right to object, Mr. Speaker, will the gentleman from West Virginia explain the bill?

Mr. RANDOLPH. Mr. Speaker, this measure also passed the Senate unanimously. It is simply a procedural bill which calls upon the tax collector of the District of Columbia to provide for the mailing of annual notices to those persons holding tax-exempt properties within the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That section 6 of Public Law 846, Seventy-seventh Congress, approved December 24, 1942, is amended by striking out the period at the end of the section and inserting a colon and the following: "Provided, That such rules and regulations shall include provision for mailing annually, on or before February 1 of each year, to each of the institutions, organizations, corporations, or associations required by section 3 of this act to file annual reports, notice of its contingent tax liability under this act, together with a copy of any standard form for such reports which shall have been prescribed by the Commissioners under authority of this section."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### COMPENSATION OF RECORDER OF DEEDS, DISTRICT OF COLUMBIA, AND SUPERINTENDENT OF NATIONAL TRAINING SCHOOL FOR GIRLS

Mr. RANDOLPH. Mr. Speaker, I call up the bill (S. 1223) to fix the compensation of the recorder of deeds of the District of Columbia and the Superintendent of the National Training School for Girls, and ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. DIRKSEN. I reserve the right to object and suggest that the chairman make some explanation of the bill.

Mr. RANDOLPH. Mr. Speaker, this measure will allow and direct an increase of salary to the two officers within the District of Columbia. The recorder of deeds for this jurisdiction would have his salary increased from \$6,400 to \$8,000 per year, and the superintendent of the National Training School for Girls would have her salary increased from \$2,700 to \$3,600 a year. It is felt that the salaries for these two public officials are not commensurate with the salaries paid for comparable work done in other positions of trust and administrative capacity in the District of Columbia. I believe I should read to the House this comment from the report which accompanies the bill in the Senate prior to its passage:

It should be made clear that this bill, so far as it relates to the recorder of deeds, concerns only the question of compensation. Another bill (S. 1251) now pending before this committee is a measure relating to the matter of the authority of the District of Columbia Commissioners over the recorder of deeds.

Then the report states this further, that it should be stated frankly that it is the opinion of the committee that the two positions which this bill concerns would pay higher salaries if filled by white incumbents, and also that it is the sense of the committee that no taint of discrimination should be attached in any way to any salaries paid in or under the government of the District of Columbia.

Mr. LAMBERTSON. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. Yes.

Mr. LAMBERTSON. Does the gentleman think that these two are the only inequalities existing in the government of the District of Columbia?

Mr. RANDOLPH. No; and I would say to the gentleman as he well knows from his services here, that there are other inequalities and inequities existing in the government of the District of Columbia. Such things exist also in the State of Kansas, as well as in my own State. The gentleman does well to call attention to the fact from time to time so that we may deal justly with those receiving less than their services should command.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The Clerk read as follows:

*Be it enacted, etc.,* That from and after the date of approval of this act the recorder of deeds of the District of Columbia, appointed in accordance with section 548 of the act of March 3, 1901 (31 Stat. 1275), shall be paid a salary at the rate of \$8,000 per annum.

Sec. 2. From and after the date of approval of this act, and notwithstanding any provisions of the act of July 9, 1888 (25 Stat. ch. 595), or any provisions of the act of March 16, 1926 (44 Stat. ch. 58), or any provisions of any other act heretofore approved, the Superintendent of the National Training School for Girls shall be paid a salary at the rate of \$3,600 per annum.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### LEVYING AND COLLECTING OF TAXES AND ASSESSMENTS OF TAXES, DISTRICT OF COLUMBIA

Mr. RANDOLPH. Mr. Speaker, I call up the bill (S. 881) to amend an act entitled "An act relating to the levying and collecting of taxes and assessments and for other purposes, approved June 25, 1938, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. DIRKSEN. Mr. Speaker, I reserve the right to object and ask the gentleman from West Virginia to make some explanation of the bill.

Mr. RANDOLPH. Mr. Speaker, this would amend the act presently in force in the District of Columbia in connection with the levying and collection of taxes and assessments. The purpose is to assure the mailing of real estate tax bills to all taxpayers whose addresses are known to the assessor's office.

In this connection I offer the following amendment which I send to the desk.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Act entitled "An Act relating to the levying and collecting of taxes and assessments, and for other purposes", approved June 25, 1938, is hereby amended by adding at the end thereof the following new section:

"SEC. 12. On or before August 1, 1943, and on or before the first day of August of each subsequent year, the assessor of the District of Columbia shall mail to the record owner of each lot or parcel of land upon which a regular assessment has been levied by the District of Columbia as of July 1 of the same year, a notice of the amount of such assessment, and of the manner in which the amount of such assessment is payable according to law; and such notice shall also include notice of any previous assessments, or portions thereof, levied by the District of Columbia against such lot or parcel of land, which on July 1 of the year in which such



notice is sent remained unpaid, and of any fines or penalties accrued or levied by reason of such delinquency: *Provided*, That if the address of the owner be unknown, such notice shall be mailed to his tenant or agent; and if there be more than one record owner of any lot or parcel, notice mailed to one of the owners shall be deemed compliance with this section: *Provided further*, That nothing in this section shall affect in any way the provisions of section 3 of this Act."

The Clerk read the amendment as follows:

Amendment offered by Mr. RANDOLPH: Page 1, strike out all of section 12, and insert in lieu thereof the following:

"SEC. 12. Annually and subsequent to July 1, the Assessor of the District of Columbia shall mail to the record owner of each lot or parcel of land upon which a real estate tax has been levied by the District of Columbia as of July 1, of the same year, a notice of the amount of such real estate tax, and of the manner in which the amount of such real estate tax is payable according to law; and such notice shall state whether there were any delinquent real estate taxes unpaid on July 1 of the year in which such notice is sent; *Provided*, That if the address of the owner be unknown such notice shall be mailed to his agent, if known; and if there be more than one record owner of any lot or parcel, notice mailed to one of the owners shall be deemed compliance with this section: *Provided further*, That nothing in this section shall affect in any way the provisions of section 3 of this act: *Provided further*, That failure of the property owner or his agent to receive such notice shall not relieve the property owner of the payment of any penalty or interest as required by law for the delinquent payment of real estate taxes."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

#### EXTENT AND CAUSE OF ABSENTEEISM

The Clerk called the first bill on the Consent Calendar (H. R. 2553) directing the Secretary of Labor to make an investigation and study of the extent and causes of absenteeism and to make available the facilities of the Department of Labor to act as a clearinghouse for information on methods to control absenteeism.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, I object.

The SPEAKER. Two objections are required.

Mr. SMITH of Ohio. Mr. Speaker, I object.

Mr. SCHIFFLER. Mr. Speaker, I object.

#### WARTIME CONSTRUCTION OF RECLAMATION PROJECTS

The Clerk called the next bill, H. R. 3018, authorizing wartime construction and operation and maintenance of reclamation projects.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, this bill authorizes the Secretary of the Interior to embark upon the construction and opening up of new reclamation and irrigation projects without any restriction as to location or the amount of money involved. It is too important to be passed by unanimous consent. I therefore ask unanimous consent that it go over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

#### GREAT SMOKY MOUNTAINS NATIONAL PARK

The Clerk called the next bill, H. R. 1388, to authorize the acceptance of donations of land for the construction of a scenic parkway to provide an appropriate view of the Great Smoky Mountains National Park from the Tennessee side of the park, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is authorized to accept, on behalf of the United States, donations of land and interests in land in the State of Tennessee for the construction of a scenic parkway to be located generally parallel to the boundary of the Great Smoky Mountains National Park and connecting with the park, in order to provide an appropriate view of the park from the Tennessee side. The right-of-way to be acquired for the parkway shall be of such width as to comprise an average of 125 acres per mile for its entire length. The title to real property acquired pursuant to this act shall be satisfactory to the Secretary of the Interior. All property acquired pursuant to this act shall become a part of the Great Smoky Mountains National Park upon acceptance of title thereto by the Secretary, and shall be subject to all laws, rules, and regulations applicable thereto.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### DISPOSAL OF MATERIALS OR RESOURCES ON PUBLIC LANDS OF THE UNITED STATES

The Clerk called the next bill, H. R. 2697, to provide for the disposal of materials or resources on the public lands of the United States which are under the exclusive jurisdiction of the Secretary of the Interior.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, in view of the fact that the Secretary of the Interior is opposed to this measure and it is not approved by the Budget, it should not be passed by unanimous consent. I therefore ask unanimous consent that it go over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### GRANTING OF CERTAIN LANDS TO THE CITY OF SITKA, ALASKA

The Clerk called the next bill, H. R. 340, to authorize the Legislature of the Territory of Alaska to grant and convey certain lands to the city of Sitka, Alaska, for street purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MAGNUSON. Mr. Speaker, reserving the right to object, I would like to ask if any one of the objectors can give some explanation of this bill? What is the location of the land?

Mr. PRIEST. The Delegate from Alaska [Mr. DIMOND] has explained that.

Mr. BARDEN. The gentleman from Alaska [Mr. DIMOND] can probably do that better than any member of this committee. He is not present in the hall at this time. If the gentleman from Washington has any serious objection he might request that the bill be passed over until the Delegate from Alaska is present.

Mr. MAGNUSON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

#### NONFAT DRY MILK SOLIDS

The Clerk called the next bill, H. R. 149, to increase agricultural purchasing power and to meet the need of combating malnutrition among the people of low income by defining and making certain a reasonable definition and standard for nonfat dry milk solids.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, although personally in favor of the measure, in view of the fact that the Administrator of the Federal Security Agency has indicated his disapproval of the bill, I think it should be brought to the attention of the House in its entirety and not passed by unanimous consent. Therefore, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

#### APPROPRIATIONS FOR SALARIES AND EXPENSES, OFFICE OF FISHERY COORDINATION

The Clerk called the next bill, S. 1242, to authorize appropriations for salaries and expenses, Office of Fishery Coordination.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DIRKSEN. Mr. Speaker, reserving the right to object, may we have some explanation of the bill?

Mr. BLAND. Mr. Speaker, I am perfectly willing to dispense with the explanation if the bill will go through. But for many months of this session, as well as some months in the last session of Congress, the Committee on the Merchant Marine and Fisheries held many hearings on matters pertaining to the fisheries industry and it became very apparent there was need of coordination.

It developed there were 22 war and other agencies that were affecting the fisheries industry very seriously, and unless there was some one agency that could attempt to coordinate those things, there would be hopeless confusion.

Personally, I appealed to the President and to the Bureau of the Budget for the establishment of a fisheries coordinator, if for nothing else than to relieve my







for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. SABATH. Mr. Speaker, the statement of the gentleman from Mississippi [Mr. RANKIN] is gratifying to me, because I pointed out many months ago that Russia was veering to the right and that within a short space of time would demonstrate to the world that its aims are democratic and that justice will prevail.

Mr. Speaker, I was highly gratified to hear the gentleman from Mississippi [Mr. RANKIN] call to the attention of the House and the country the unbiased report on Russia by Captain Rickenbacker. I have known the captain favorably for many years and still hold him in high esteem notwithstanding his unfavorable criticism of organized labor, but that was as an officer of one of the large air-transport companies. However, the report which he makes on Russia, to which the gentleman from Mississippi [Mr. RANKIN] calls attention and is inserting in the CONGRESSIONAL RECORD, is really an official report to and in the interest of our country.

I believe that every fair-minded American whose mind has not been poisoned by Nazi-Fascist propaganda against Soviet Russia will concede that Captain Rickenbacker's report and account of his interviews are based on facts and truths.

Nearly 2 years ago and before Hitler attacked Russia I stated on the floor that Russia in order to gain time was forced into making a treaty with Germany. Notwithstanding strong opposition in this country that action did not cause us to discontinue the shipping to Russia of machinery, tools, implements, and other war materials which they purchased and paid for with moneys deposited in our banks in advance.

While the Nazi propagandists were endeavoring to induce us to forget and divert our attention from the wholesale massacres of all those who failed to agree or follow Hitler's murderous aims, they were charging that Stalin had ordered the elimination of many Russian officers and had closed all churches, denying the people the right of worship. The Nazi propagandists did not state, however, that, unlike the murderous action of Hitler in the cases of certain German officers, civilians, peoples and officials of invaded countries, in his wholesale purges, the so-called Russian officers who were executed received a fair and open trial by Stalin, and that it was upon confessions and evidence that clearly showed they were on the pay roll of the Japanese and Nazis and had sought to undermine Russia that they were convicted and the deserved punishment meted out to them. I obtained a complete report at that time which indicated clearly that all Russia was seeking to accomplish was to separate the church from the state and was not opposed to free worship.

While President Roosevelt stated at that time that he had been assured there would be complete freedom of worship he was being continuously assailed and attacked by the Nazi propagandists and

even by our own American pacifists and appeasers, and this notwithstanding that Russia had adopted a real constitution granting freedom and liberty to its people and eliminating many of Lenin's original policies. Russia was gradually and continuously veering to the right, and therefore I am pleased that since then the statements of the President have been justified. I recall stating that Communists promised a great deal—just as the Republican and Democratic platforms usually do, though the makers realized that all the pledges could not be fully carried out.

The statements of Captain Rickenbacker and of the gentleman from Mississippi [Mr. RANKIN] are timely and should put a stop to the activities of those few Nazi ideologists and even those few misguided Communists in our country.

I congratulate Russia upon its great achievements and upon its continuous liberalizing of its policies affecting the welfare of its people. I believe when history is written that Russia will receive the recognition and credit to which it is entitled for having rendered to humanity, at such terrific cost, a service not only to its own people and country but to the democracies of the world.

#### CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

#### WARTIME CONSTRUCTION OF RECLAMATION PROJECTS

The Clerk called the first bill on the Consent Calendar (H. R. 3018) authorizing wartime construction and operation and maintenance of reclamation projects.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PRIEST. Mr. Speaker, I object.

#### DISPOSAL OF MATERIALS ON THE PUBLIC LANDS OF THE UNITED STATES

The Clerk called the next bill, H. R. 2697, to provide for the disposal of materials or resources on the public lands of the United States which are under the exclusive jurisdiction of the Secretary of the Interior.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, this bill gives the Secretary of the Interior unlimited authority to dispose of any properties on lands under his jurisdiction, even though that disposal may not be authorized by law—a jurisdiction entirely too great to be passed by unanimous consent. Therefore, I object, Mr. Speaker.

#### CONVEYING CERTAIN LANDS TO THE CITY OF SITKA, ALASKA

The Clerk called the next bill, H. R. 340, to authorize the Legislature of the Territory of Alaska to grant and convey certain lands to the city of Sitka, Alaska, for street purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PRIEST. Mr. Speaker, reserving the right to object, the gentleman from Alaska [Mr. DIMOND] is on the floor and

I would like to ask him to give a short explanation of this legislation.

Mr. DIMOND. Will the gentleman yield?

Mr. PRIEST. I yield.

Mr. DIMOND. Mr. Speaker, the purpose of this bill is to authorize the Territorial Legislature of the Territory of Alaska to convey to the city of Sitka, Alaska, a strip of land for street purposes. The street will probably be about 6 feet wide, to the best of my knowledge and information.

Years ago all of the land involved belonged to the United States Government and it was used for an Army barracks. Then by act of Congress the land was conveyed to the Territory of Alaska with the understanding that it was to be used as a home for aged pioneers. The Territorial Government spent about \$300,000 in putting up buildings as a home for the aged pioneers on the tract. Recently the population of the city of Sitka has increased and there is considerably more traffic on the streets now than there was years ago. In rehabilitating this street it was found desirable to widen it by about 6 feet, as I recall, at one point where the tract of the Pioneers' Home bulges out into the street, so to speak. It is desired to take a little part of this tract and use it for a street. The land desired for street purposes is not occupied by anything except as a lawn. That lawn could be narrowed and the people benefitted by the passage of this bill.

Mr. PRIEST. Will the gentleman yield?

Mr. DIMOND. Certainly.

Mr. PRIEST. In the event the city at any time in the future ceases to use this land for street purposes would the title revert to the Government?

Mr. DIMOND. Yes. It is so provided in the original bill and so provided by amendment in the bill now before us.

Mr. RANKIN. The streets of Sitka are very, very narrow, are they not?

Mr. DIMOND. That is right.

Mr. RANKIN. The gentleman from Washington, our distinguished colleague of a few years ago, Hon. John F. Miller, who has now passed away, said that when Sitka was the capital of Alaska it was the only capital in the world that never had a horse in it, because the streets were so narrow they could not use them. So, Mr. Speaker, with all the territory we have in Alaska, comprising about 590,000 square miles; it seems to me we can very well afford to grant to the city of Sitka the few feet of ground necessary to make these streets passable. I hope there will be no objection of the passage of this bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Legislature of the Territory of Alaska is hereby authorized to grant and convey to the city of Sitka, Alaska, for street purposes, such portions of the lands conveyed to the Territory of Alaska by the act of March 27, 1934 (48 Stat. 502), as may be necessary or desirable for such purposes, without regard to reversionary provisions in section 2 of said act.



With the following committee amendments:

Line 7, following the comma, strike out the remainder of the bill and insert the following:

"and not conveyed to the Sitka Cold Storage Co., by the act of August 16, 1937 (50 Stat. 652), as the city of Sitka shall designate are necessary or desirable for street purposes. Any conveyance made under this act shall be without regard to the reversionary provisions in section 2 of the act of March 27, 1934 (48 Stat. 502).

"All oil, coal, or other materials in land designated and conveyed to the city of Sitka under this act, and the right to prospect for, mine, and remove the same shall be reserved to the United States under such rules and regulations as the Secretary of the Interior may prescribe."

Add the following new section:

"Sec. 2. The city of Sitka shall never sell or otherwise dispose of any part of the property conveyed to it pursuant to the provisions of section 1 of this act; and if the same shall ever be abandoned for the uses herein declared the said premises shall revert to the United States."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made a few moments ago to the House.

The SPEAKER. Is there objection? There was no objection.

#### **FIXING A REASONABLE DEFINITION AND STANDARD OF IDENTITY OF CERTAIN DRY MILK SOLIDS**

The Clerk read the next bill, H. R. 149, to increase agricultural purchasing power and to meet the need of combating malnutrition among the people of low income by defining and making certain a reasonable definition and standard for nonfat dry milk solids.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That for the purposes of the Federal Food, Drug, and Cosmetic Act of June 26, 1938 (ch. 675, sec. 1, 52 Stat. 1040), dry milk solids or defatted milk solids is the product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It contains not over 5 percent moisture. The fat content is not over 1½ percent unless otherwise indicated. The term "milk," when used herein, means sweet milk of cows.

With the following committee amendments:

The amendments are as follows:

Line 5, before "dry", insert "nonfat."

Line 9, after "centum", insert "by weight of."

Line 10, after "centum", insert "by weight."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to fix a reasonable definition and standard of identity of certain dry milk solids."

#### **SALARIES AND EXPENSES, OFFICE OF FISHERY COORDINATION**

The Clerk called the next bill, S. 1242, to authorize appropriations for salaries and expenses, Office of Fishery Coordination.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DIRKSEN. Mr. Speaker, reserving the right to object, I understand that application has been made for a rule to consider this bill in Committee of the Whole and I think that would be the far better procedure.

Mr. BLAND. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Virginia.

Mr. BLAND. Mr. Speaker, I did submit an application for a rule and after I submitted my application for the rule, I thought that the matter had been satisfactorily adjusted by conference with the gentleman from Illinois [Mr. DIRKSEN] and Dr. Gabrielson.

Mr. DIRKSEN. Mr. Speaker, I have accumulated a little file on this matter and it develops ever-increasing interest as I go along, and for that reason I think an authorization for the expenditure of \$290,000 and the setting up of 30 additional spots with their pay rolls is a matter which might become permanent as we go along and I think is deserving of some debate in the Committee of the Whole. I would much prefer to have the gentleman procure a rule, for I think that is the far better procedure.

Mr. BLAND. Mr. Speaker, I think the matter is so important and the explanation that has been given so clear that I cannot agree; I will have to agree, of course, if objection is made.

Mr. DIRKSEN. Mr. Speaker, I regret to press my objection, but I will say to the gentleman from Virginia that I think it ought to be considered in the Committee.

Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. BLAND. I object.

The SPEAKER. The gentleman from Virginia objects.

Mr. DIRKSEN. Mr. Speaker, I renew my objection.

#### **ADDITIONAL ASSISTANT SECRETARY OF THE INTERIOR**

The Clerk called the next bill, H. R. 2801, to provide for the appointment of an additional Assistant Secretary of the Interior.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, reserving the right to object, as is indicated by the title to the bill, this would give the Secretary of the Interior an additional Assistant Secretary for the duration of the war and for 6 months thereafter.

There can be no question but what the duties of the Secretary of the Interior has increased tremendously in the last few years, but I do not think that this burden has increased in proportion any more than the duties of the Secre-

tary of the Navy and the Secretary of War, each one of whom has the same number as the Secretary of the Interior now has. Therefore, I object.

#### **MONTEZUMA CASTLE NATIONAL MONUMENT**

The Clerk called the next bill, S. 378, to provide for the addition of certain land in the State of Arizona to the Montezuma Castle National Monument.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COLE of New York. Mr. Speaker, this bill authorizes the acquisition of a small area of added land to one of our national monuments. The Secretary of the Interior has not recommended the bill, and ordinarily we on this committee would insist that the matter be brought up under a general rule rather than by unanimous consent. However, in view of the fact that the bill is sponsored by our distinguished colleague the gentleman from Arizona [Mr. MURDOCK], and in view of the fact that the bill contemplates the expenditure of \$25,000, we have decided to forego our principle and practice and to raise no objection at this time. However, we will offer an amendment to limit the appropriation authorized to \$25,000.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That (a) the Secretary of the Interior, on behalf of the United States, is authorized to acquire, in his discretion, certain lands located in the State of Arizona known as the Montezuma Well property, containing approximately 180 acres and situated within section 36, township 15 north, range 5 east, and section 31, township 15 north, range 6 east, Gila and Salt River meridian. Such lands, when acquired, shall become a detached unit of Montezuma Castle National Monument.

(b) Effective on the date of the acquisition of such property, the south half of the northwest quarter of section 31, township 15 north, range 6 east, Gila and Salt River meridian, containing 80 acres of land owned by the United States, shall also become a part of such national monument.

Sec. 2. All laws, rules, and regulations applicable to such national monument shall be applicable with respect to the lands described in the first section of this act upon the addition of such lands to such national monument. The title to real property acquired pursuant to this act shall be satisfactory to the Secretary of the Interior.

Sec. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

With the following amendment offered by Mr. COLE of New York:

On page 2, line 16, after the words "as may be necessary", insert a comma and the words and figures "but not to exceed \$25."

The amendment was agreed to.

The bill was ordered to be read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

#### **SEEPAGE AND DRAINAGE DAMAGES ON THE ILLINOIS RIVER, ILL.**

The Clerk called the next bill, H. R. 3029, to authorize the adoption of a report relating to seepage and drainage damages on the Illinois River, Ill.







Industry is guaranteed cost-plus on their contracts and farmers should not be expected to accept less.

Farmers are fully aware of the effort being made by the banking interests to curtail, cripple, or do away entirely with the Federal lending agencies that have been set up for the benefit of individual farmers and their co-operators. They are also aware of the exorbitant interest rates they would be forced to pay if these agencies were discontinued. The story that private lending agencies should be entitled to the business at the same rates of interest and on the same basis Federal agencies handle the business, sounds good, but farmers are too realistic to believe that present service and rates of interest would continue if our farm-credit system were discontinued or placed in the control of people who would render it ineffective.

The farmer and his local co-op feed mixing organization are getting the run around by the large mixers and War Food Administration. The large commercial feed mixers have had almost complete control over the supply of protein ingredients for the past 18 months or more, through a long established custom of forward selling, which works all right in normal times. We are opposed to this program of forward selling in these times, giving the big mixer control of from 75 to 80 percent of the available supply of protein ingredients and forcing farmers to buy commercial mixed feeds with lower protein content at much higher prices, in order to secure the much needed protein supplement.

As the Nation's manpower crisis tightens, repeal of all or most of Public Law, No. 45 becomes imperative. This self-defeating legislation appropriated \$26,000,000 for recruiting, placement and transportation of farm labor—and then in effect froze all farm labor where it was. Instead of mobilizing all farm labor for use whenever and wherever needed, under reasonable wages and working conditions, it has broken the United States into 3,000 little countries with the county agent as a little king, subservient in most instances to the largest farmers in the county. The law provides that no Federal funds may be used to transport farm labor from State to State without approval of the county agent. (No national farm organization will defend this provision.) In practice, this provision, along with the Tydings amendment to the Selective Service Act (which defers farm men so long as they are engaged in essential farming activities), and State laws against "labor snatching," are being used in combination to immobilize and freeze farm labor in whatever county it happens to be.

Thus we have the scandalous spectacle of farm labor shortages and farm labor surpluses at the same time. While hundreds of thousands of farm-bred families are underemployed at low wages in some parts of the Nation, food is being lost in other parts because of labor shortages. These shortages, aggravated by an act of Congress, have forced us to divert troops and use war prisoners to harvest crops.

Such mishandling of our farm labor resources is equaled only in the continued refusal to equip and assist 1,300,000 undercapitalized and underequipped and therefore underemployed farm families for maximum production on the land they occupy. Together, this wastage of farm manpower makes sense only to those determined to extend control of the Nation's agriculture further and further toward complete monopoly in the hands of commercialized agriculture and banking interests. The purpose is clear. Frozen labor is to be kept plentiful and cheap in some localities and is to be replenished by small farmers and their families driven from their own land to work the land of others.

It should be enough to state that such a program is, of course, contrary to the very purposes for which this war is being fought. But it is also likely to result in declining farm production, rising food prices, and inflation that will strike at the heart of the entire war effort and endanger post-war rehabilitation and the making of a lasting peace.

Not less than \$1,000,000,000 in loans should be authorized immediately to provide small farmers with the things they need to get into all-out-war-food production. All-out-war-food production by all farmers can be best achieved by doing a production engineering job, using war-food-production agreements between the Government and farmers. Such agreements should assure to war-food producers the same types of aid and service given industrial war producers, including credit, advance, and progress payments, priorities, and other assistance in getting machinery, fertilizer, feed, seed, labor, and other essentials. The agreement should include crop and war-risk insurance and technical advice and assistance. The soundness of this method has been proved by the F. S. A. record in increasing the war-food production of 463,000 farm families.

We endorse the National Farmers' Union recommendation that adequate funds be appropriated to option land to provide farms for returning veterans while at the same time checking inflation of land prices.

Respectfully yours,

KANSAS FARMERS UNION,  
E. K. DEAN, President.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Claims:

S. 759. A bill for the relief of W. I. Dooley; with amendments (Rept. No. 439);

S. 1169. A bill for the relief of Samuel Margolin; with amendments (Rept. No. 440);

H. R. 938. A bill for the relief of Mrs. Robert C. Anderson; without amendment (Rept. No. 441); and

H. R. 2734. A bill for the relief of Kathleen B. Maier; without amendment (Rept. No. 442).

By Mr. McCARRAN, from the Committee on Commerce:

H. R. 2886. A bill to provide for the removal of oysters from the waters of York River and Queen Creek, Va., affected by sewage disposal emanating from the construction battalion, training camp, at Camp Peary, Va., and for other purposes; with an amendment (Rept. No. 443).

#### REPORT ON FUEL SITUATION IN THE MIDDLE WEST (REPT. NO. 443)

Mr. CLARK of Missouri. Mr. President, on behalf of the Senator from Kansas [Mr. REED] and myself, I ask unanimous consent to submit an ad interim report from the Special Committee to Investigate Production, Transportation, and Use of Fuels in Certain Areas West of the Mississippi River, pursuant to Senate Resolution 319, Seventy-seventh Congress, as continued by Senate Resolution 61, Seventy-eighth Congress.

The VICE PRESIDENT. Without objection, the report will be received and printed.

#### REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which was referred for examination and recommendation a list

of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted a report thereon pursuant to law.

#### EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

ROBERT E. HANNEGAN

Mr. GEORGE. Mr. President, from the Committee on Finance. I report favorably the nomination of Robert E. Hannegan, of St. Louis, Mo., to be Commissioner of Internal Revenue, and ask that the report be received as in executive session for the Executive Calendar.

Mr. McNARY. Mr. President, the report made by the Senator from Georgia is simply a report for the calendar?

Mr. GEORGE. Yes.

Mr. McNARY. Not accompanied with a request for consideration today?

Mr. GEORGE. No; I asked merely that it be received for the calendar.

The VICE PRESIDENT. Without objection, the report will be received, as in executive session, and placed on the Executive Calendar.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DAVIS:

S. 1414. A bill to authorize the issuance of a special series of stamps commemorative of the life and services of George Westinghouse; to the Committee on Post Offices and Post Roads.

By Mr. CLARK of Missouri:

S. 1415. A bill to provide additional allowances for certain dependents of certain disabled veterans; to the Committee on Finance.

#### HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H. R. 340. An act to authorize the Legislature of the Territory of Alaska to grant and convey certain lands to the city of Sitka, Alaska, for street purposes; to the Committee on Public Buildings and Grounds.

H. R. 149. An act to fix a reasonable definition and standard of identity of certain dry-milk solids;

H. R. 3029. An act to authorize the adoption of a report relating to seepage and drainage damages on the Illinois River, Ill.; and

H. R. 3145. An act to revive and reenact section 9 of an act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 26, 1937; to the Committee on Commerce.

#### DEFERMENT OF FATHERS FROM THE DRAFT—AMENDMENT

Mr. REVERCOMB (for himself and Mr. ROBERTSON) submitted an amendment intended to be proposed by them jointly to the amendment of Mr. TAFT in the nature of a substitute to the bill (S. 763) exempting certain married men who have children from liability under the Selective Training and Service Act of



1940, as amended, which was ordered to lie on the table and to be printed.

INDUSTRIAL RECENTRALIZATION —  
ADDRESS BY SENATOR McCARRAN

Mr. NYE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD the remarks of the senior Senator from Nevada [Mr. McCARRAN] at a joint meeting of the Members of the House and Senate held yesterday, October 4, at which more than 50 Members of the House of Representatives determined to align themselves with an already established group of more than 30 Senators to work for industrial decentralization, with particular stress on the establishment of a new facility for protection of iron and steel in accordance with the policy and in pursuit of the program outlined as of yesterday by the Senator from Nevada.

There being no objection, the address was ordered to be printed in the body of the RECORD, as follows:

Senator McCARRAN. On behalf of my colleagues of the Senate, I wish to welcome to this meeting the many Members of the House who have come here today. I know that the presence of these House Members is an indication of their community of interest with us, and of their sincerity of purpose in working toward a solution of the problem which we propose to attack. I sincerely hope that out of this meeting may come a degree of organization which shall insure the affirmative cooperation we must have in order to attain our purposes. I refer not only to affirmative cooperation between the two Houses of Congress, but also between the various Members of each House.

Early last July, shortly before the summer recess of the Congress, I addressed a letter to a number of my colleagues in the Senate, calling attention to a particular phase of this problem—namely, the desirability of decentralizing heavy industry (perhaps I should say recentralizing heavy industry), especially through establishment of new or expanded facilities for production of iron and steel, in areas outside the few acknowledged steel centers of this country.

As I pointed out in the letter to my colleagues, known coal deposits are to be found in 32 of the 48 States, while iron ore, in usable quantity and quality, is known to exist in 34 States. Twenty-seven States have both coal and iron ore. Thirteen of these 27 States have some iron or steel production. Fourteen of those 27 States have no iron or steel production whatsoever. On the other hand, seven of the States which now produce iron or steel, lack, as a part of their natural resources, either coal or iron ore. States which now produce iron or steel in any quantity are: Alabama, California, Colorado, Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Texas, Utah, Virginia, and Washington. As we all know, many of those States produce so little iron or steel that their total contribution to the national output is hardly a drop in the bucket. But there is no reason why those States whose production now is so small, should not, as a result of the coordinated program which we hope to undertake, achieve a substantial expansion of this industry, so as to attain that place in the national picture which should be theirs on the basis of their natural resources.

States which have both iron ore and natural coal deposits in usable quantity and quality, but which produce no iron or steel, include Arizona, Arkansas, Idaho, Iowa, Montana, Nevada, New Mexico, North Carolina, Oklahoma, South Dakota, Tennessee, West

Virginia, and Wyoming. There is no compelling immutable reason why any one or all of those States should not have such facilities for iron and steel production as their natural resources justify.

One of the important problems which should engage the attention of the country, and of the Congress, not only in relation to the post-war period, but now, while the war is in progress, because it is an important factor in the conduct of that war, is the problem of a proper use of our natural resources.

Particularly disturbing, to many of us in the Senate, has been the fact that much of this country's expansion for war production has ignored such basic factors as the location of resources, and has followed what appears to have been the line of least resistance; that is, augmentation and expansion of facilities already in existence; building plant upon plant to create a sort of inverted pyramid of production facilities. This policy has not only prevented the country from reaching its maximum potentialities in various lines of production, but also has contributed greatly to transportation bottlenecks.

Recently, a high official of our Government was praised, in an article in a national magazine, because, among other reasons, on one occasion he ordered a special train to rush a shipment of steel to a shipyard which needed it. In my view, if you have a shipyard here, which needs steel in a hurry, and the nearest steel is over there, any 10-year-old child can figure out that it would be a good idea to take the steel to the shipyard; and if he had authority to order a special train, he would probably order it. What I am greatly concerned about is the situation under which it is necessary to transport steel from one end of the country to the other in order to put that steel into a ship, when all the resources necessary for producing steel are available within a relatively short distance of the shipyard.

It should be understood, and I think you will all agree, that no one here has any desire to move a blast furnace from Pittsburgh, or a rolling mill from Gary, to any other part of the country. We need today all the steel production facilities we have, and more; and we shall need far more tomorrow. The decentralization—or recentralization—which we hope to achieve, is not through moving anything, but through the creation of new production facilities, or the substantial expansion of facilities which are now far less than those amply justified by available resources.

Iron has been spoken of as the mother of metals. This is a most apt description. While the age of light metals may be well on its way, there is no question about the fact that today, and for some years to come, at least, our industrial economy will be supported on pillars of steel and iron. Moreover, we may safely rest assured that when the light-metal age comes upon us, the policies which we have fixed and maintained with regard to the production of iron and steel will at least mold, if not control, our policies with regard to the production and use of the light metals.

Heavy industry follows iron and steel production, to a large extent. That is one of the reasons why the development of heavy industry has been seriously retarded in the central part of the United States, along the great waterway of the Mississippi and its tributaries, in many portions of the South, of the Southwest, of the Middle West, and of the Northwest, as well as in the north central portion of the country and on the Pacific coast.

The subject of industrial recentralization is so big that it is obviously impossible to define rigidly the limits within which this group should act, and the boundaries of the matters which we as a group may properly consider. If we attempt such definitions, we shall most certainly find ourselves at some

later date foreclosed by our own definition from following some line of investigation or some line of action necessary to the advancement of our aims.

Let me pursue this thought a little further. As I have already pointed out, decentralization of iron and steel production facilities will carry with it a basic change in our internal economy. Where new facilities for the production of iron and steel are set up, new heavy industries will be established. Where new heavy industries are established, other industries will follow. Establishment of new industries will change our transportation needs, and will affect the demand for fuel and for electric power. It must be apparent, on the basis of only a moment's thought, that a complete consideration of this question is going to involve, eventually, the power policy of this country; that it is going to involve the question of the conservation and the proper use of our oil reserves; that it is going to involve most vitally the whole problem of transportation, in all its phases, including the problem of freight rates.

Many other branch avenues, and side paths, will have to be explored before we reach the end of this matter; and I shall not be surprised if we find ourselves on occasion going down blind alleys or up dead-end streets.

It is not necessary, however, to discuss all of these ramifications at this time. For the moment, let us confine our consideration to the matter of iron and steel.

This is a problem of great concern to all of us who represent States in which either iron or coal deposits are known to exist. It is a problem which affects States producing natural gas, because natural gas, as we know, can be used in the reduction of iron ore. It is a problem which affects States having large hydroelectric developments or possibilities for such developments, because the possibility of reducing iron ore with the use of electricity is an established fact.

Now, some progress has been made, here and there, along the lines of developing additional facilities for iron and steel production, but while individual Senators and individual Members of the House have on occasion won significant benefits for certain States or certain areas, the problem has not before now been approached, as I believe it should be approached, on a truly national basis. If we will pool our interests in this regard, and deal with this question cooperatively, and in the light of the national interest first, we can greatly serve that national interest and at the same time achieve far more for the specific areas which we represent than any of us could hope to achieve through single-handed action.

It is my hope that every Member of the Senate, and every Member of the House, who joins in this program will consider himself pledged, not to mere lip service, but to active participation in the fight which must be waged, and which we intend to wage.

We are here to do more than organize just another pressure group. Undoubtedly, we can accomplish many things just by standing together on issues affecting this question; but we cannot hope to achieve the larger ends toward which we aspire by mere static force, whatever we may think that our power and prestige may be worth. We can only hope to achieve those larger ends by affirmative and aggressive action. Some of the lines which such action should follow will occur to you immediately; some of them may become apparent only as we progress. Let me mention briefly some of the lines of action which I believe should be followed.

One need of this group will be the power to pursue such inquiries as seem necessary, without restriction; and to pursue those inquiries as a matter of absolute right, without having to seek courtesies or favors from any agency of government, or from any private



# H. R. 149

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 5 (legislative day, SEPTEMBER 15), 1943

Read twice and referred to the Committee on Commerce

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## AN ACT

To fix a reasonable definition and standard of identity of certain  
dry milk solids.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That for the purposes of the Federal Food, Drug, and Cos-  
4       metic Act of June 26, 1938 (ch. 675, sec. 1, 52 Stat. 1040),  
5       nonfat dry milk solids or defatted milk solids is the product  
6       resulting from the removal of fat and water from milk, and  
7       contains the lactose, milk proteins, and milk minerals in the  
8       same relative proportions as in the fresh milk from which  
9       made. It contains not over 5 per centum by weight of  
10      moisture. The fat content is not over  $1\frac{1}{2}$  per centum by  
11      weight unless otherwise indicated.

12      The term "milk", when used herein, means sweet milk  
13      of cows.

Passed the House of Representatives October 4, 1943.

Attest:

SOUTH TRIMBLE,

*Clerk.*

78<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 149**

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## **AN ACT**

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United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 78<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 89

WASHINGTON, SATURDAY, DECEMBER 18, 1943

No. 199

## Senate

(Legislative day of Wednesday, December 15, 1943)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Our Father God, Thou who in times past across yearning centuries spoke to the fathers through the prophets hath in the Word made flesh spoken to us in that One whose name is the Prince of Peace and upon whose shoulders the government of men must ultimately rest. We thank Thee that not on one wondrous night alone did a star of hope light the heavens, but that straight down the crowding years the starlit pathway leads, reminding our earth-filled eyes that the highest truth is born in lowly places, clad in humble garb befitting the humility of God and of Godlike humanity.

As the Christmas star rains its fire on an earth plowed with spite and hate may we see in it a shining symbol that if we would find truth that is life indeed we must follow our starry ideals, no matter over what burning sands or to what lonely deserts they take our faltering feet. Save us from a festivity that knows nothing of receptivity and from decoration that forgets dedication. May the holly of this joyous season enshrine the holly, and its crimson beads be but emblems of the myrrh of sacrifice—the gift of our contrite hearts. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, December 17, 1943, was dispensed with, and the Journal was approved.

### ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on December 15, 1943, that committee presented to the President of the United States the following enrolled bills:

S. 1544. An act authorizing the acquisition and conversion or construction of certain auxiliary vessels, landing craft, and district craft for the United States Navy, and for other purposes; and

S. 1576. An act to provide for the extension of certain oil and gas leases.

### MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he also announced that the President had approved and signed the following acts:

On December 5, 1943:

S. 763. An act amending the Selective Training and Service Act of 1940, as amended, and for other purposes.

On December 17, 1943:

S. 861. An act to increase the amount of Federal aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States;

S. 990. An act for the relief of the Washington, Brandywine & Point Lockout Railroad Co.;

S. 1001. An act for the relief of the Meadow Brook Club;

S. 1038. An act for the relief of Verna Mae Russell and Winifred Russell Mooney;

S. 1049. An act to authorize the payment of additional compensation to special counsel in the case of United States against Standard Oil Co. of California;

S. 1232. An act for the relief of Eric W. Rodgers;

S. 1290. An act for the relief of William Carroll Knox;

S. 1315. An act providing for the transfer to the custody and control of the Secretary of the Navy of certain lands comprising a portion of Croatan National Forest in the State of North Carolina; and

S. 1544. An act authorizing the acquisition and conversion or construction of certain auxiliary vessels, landing craft, and district craft for the United States Navy, and for other purposes.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the joint resolution (S. J. Res. 103) continuing the Commodity Credit Corporation as an agency of the United States, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the Committee of Conference on the disagree-

ing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1233) to eliminate private suits for penalties and damages arising out of frauds against the United States.

The message further announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 171) to permit the importation from foreign countries free of duty, during a period of 90 days, of certain grains and other products to be used for livestock and poultry feed.

The message also announced that the House had passed a joint resolution (H. J. Res. 208) making an appropriation to assist in providing a supply and distribution of farm labor for the calendar year 1944, in which it requested the concurrence of the Senate.

### CONTINUATION OF COMMODITY CREDIT CORPORATION

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 103) continuing the Commodity Credit Corporation as an agency of the United States.

Mr. BARKLEY. I move that the Senate disagree to the House amendment, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BARKLEY, Mr. MALONEY, Mr. RADCLIFFE, Mr. TAFT, and Mr. THOMAS of Idaho conferees on the part of the Senate.

### REPORT OF CIVIL SERVICE COMMISSION

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Civil Service:

*To the Congress of the United States:*

As required by the act of Congress to regulate and improve the civil service of the United States approved January 16, 1833, I transmit herewith the sixtieth annual report of the Civil Service Com-



mission for the fiscal year ended June 30, 1943.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, December 18, 1943.

[NOTE.—The report accompanied a similar message to the House of Representatives.]

#### REQUISITION AND DISPOSAL OF PROPERTY REQUIRED FOR NATIONAL DEFENSE

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying copy of a report, was referred to the Committee on the Judiciary:

To the Congress of the United States:

I am submitting herewith to the Congress a report of operations for the period April 16, 1943, through October 15, 1943 under the act of October 16, 1941, as amended, which authorized the President to requisition and dispose of property required for national defense.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, December 18, 1943.

[NOTE.—The original of this report accompanied a similar message to the House of Representatives.]

#### ERECTION OF MEMORIALS AND ENTOMBMENT OF BODIES IN ARLINGTON MEMORIAL AMPHITHEATER

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Military Affairs:

To the Congress of the United States:

In compliance with the requirements of the Public Act No. 397, Sixty-sixth Congress, I transmit herewith the annual report of the Commission on the Erection of Memorials and Entombment of Bodies in the Arlington Memorial Amphitheater.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, December 18, 1943.

[NOTE.—The report accompanied a similar message to the House of Representatives.]

#### EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

#### SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Attorney General, submitting, pursuant to law, a report stating all the facts and pertinent provisions of law in the cases of 76 individuals whose deportation has been suspended for more than 6 months under authority vested in the Attorney General, together with a statement of the reasons for such suspension (with accompanying papers); to the Committee on Immigration.

#### AMENDMENT OF SECTION 214 OF THE ACT OF FEBRUARY 28, 1925

A letter from the Postmaster General, transmitting a draft of proposed legislation to amend section 214 of the act of February 28, 1925 (with an accompanying paper); to the Committee on Post Offices and Post Roads.

#### PERSONNEL REQUIREMENTS, COMMITTEE FOR CONGESTED PRODUCTION AREAS

A letter from the Director of the Committee for Congested Production Areas (Ex-

ecutive Office of the President), submitting a revised estimate of personnel requirements (increase of positions) for that committee for the quarter ending December 31, 1943 (with an accompanying paper); to the Committee on Civil Service.

#### PETITIONS AND MEMORIALS

Mr. VANDENBERG presented the following petitions, etc., which were referred, as indicated:

A resolution adopted by the Metropolitan Council of Exchange Clubs, at Detroit, Mich., favoring the adoption of measures by Congress to continue economic stabilization and retard any further inflationary trend; to the Committee on Banking and Currency.

A telegram in the nature of a petition, numerous signed, of sundry citizens of Detroit, Mich., praying for the enactment of pending food subsidy legislation; to the Committee on Banking and Currency.

A resolution adopted by the Common Council of the City of Lincoln Park, Mich., favoring the enactment of pending food subsidy legislation; to the Committee on Banking and Currency.

A resolution adopted by a Commission meeting at Lansing, Mich., on the 18th day of November 1943, protesting against the diversion of water from Lake Michigan by the city of Chicago greater in amount than that allowed by the Supreme Court of the United States; to the Committee on Commerce.

A resolution by the Board of Supervisors of Dickinson County, Mich., protesting against the adoption of a Federal sales tax; to the Committee on Finance.

A resolution adopted by Menominee Post No. 1887, Veterans of Foreign Wars of the United States, favoring the enactment of legislation granting to veterans of World Wars Nos. 1 and 2 a monthly compensation of \$20 a month for veterans up to the age of 40 years; \$40 a month for veterans between the ages of 40 and 50, \$50 a month for veterans between the ages of 50 and 60, and \$60 a month for veterans over 60 years of age; to the Committee on Finance.

A resolution adopted by several Finnish organizations of Detroit, Mich., favoring a just and fair consideration of the cause of Finland; to the Committee on Foreign Relations.

A resolution adopted by the Jewish community of Bay City, Mich., favoring the opening of Palestine to unimpeded Jewish immigration in accordance with the Balfour Declaration; to the Committee on Foreign Relations.

A resolution adopted by the Munising (Mich.) Rotary Club, favoring the unrestricted immigration of Jews into Palestine; to the Committee on Foreign Relations.

A resolution adopted by a meeting of the Bethlehem Finnish Lutheran Congregation of Detroit, Mich., favoring a just and fair consideration of the cause of Finland; to the Committee on Foreign Relations.

A resolution adopted by the Board of Supervisors of Allegan County, Mich., relating to the attitude toward the Government of John L. Lewis in connection with recent coal strikes; to the Committee on the Judiciary.

Memorials of sundry citizens of Detroit, Mich., remonstrating against the enactment of prohibition legislation; to the Committee on the Judiciary.

A resolution by members of Local No. 600, Press Steel Executive Board, in the State of Michigan, favoring the enactment of pending anti-poll-tax legislation; to the Committee on the Judiciary.

A resolution by the Wayne University Graduate School Committee on Research, of Detroit, Mich., protesting against the enactment of pending legislation to establish an office of Scientific and Technical Mobilization; to the Committee on Military Affairs.

A resolution by New York Central System Post, No. 134, American Legion, of Detroit, Mich., protesting against the use of prisoners of war in connection with work on the Nation's transportation systems; to the Committee on Military Affairs.

A resolution adopted by the Common Council of Hamtramck, Mich., favoring the enactment of legislation fixing a straight 1½-cent postage rate on newspapers mailed to members of the armed forces; to the Committee on Post Offices and Post Roads.

#### JEWISH NATIONAL HOME IN PALESTINE

Mr. MALONEY. Mr. President, I ask unanimous consent that there may be printed in the body of the RECORD, and thereafter referred to the Committee on Foreign Relations, a resolution adopted at a meeting of the New Britain Zionist District, held in New Britain, Conn., on November 16, 1943. This resolution favors the establishment of a Jewish National Home in Palestine.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas the Congress of the United States on June 30, 1922, adopted a resolution favoring the establishment of the Jewish National Home in Palestine; and

Whereas the interest of the United States in the development of the Jewish homeland has been evidenced in statements issued by every President since the adoption of said resolution and by numerous other Government officials and Members of Congress; and

Whereas the Jewish community of the United States in consonance with the interest displayed by the Government of the United States has given heavily of its resources and energy toward the establishment of the Jewish home in Palestine; and

Whereas the British Government has by its issuance of the White Paper on Palestine checked and endangered the development of the Jewish National Home; Be it

Resolved, That we the New Britain Jewish Community represented in this gathering here tonight request the Representatives and Senators from the State of Connecticut that they bring to the attention of the President and the State Department the great wrong and injustice caused the Jewish people by the terms of the White Paper and that our Government strongly urge upon the British Government the abrogation of the said White Paper.

NEW BRITAIN ZIONIST DISTRICT,  
GEORGE L. GANS, President.  
SAMUEL S. GYGEL, Secretary.

#### REPORT OF COMMITTEE ON COMMERCE

The following report of a committee was submitted:

By Mr. CLARK of Missouri, from the Committee on Commerce:

H. R. 149. A bill to fix a reasonable definition and standard of identity of certain dry-milk solids; without amendment (Rept. No. 623).

Mr. CLARK of Missouri. Mr. President, on behalf of the Senator from Louisiana [Mr. OVERTON], I submit his minority views on House bill 149, just reported by me, which I request may be printed.

The VICE PRESIDENT. Without objection, the minority views will be printed together with Report No. 623.

#### REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Execu-

FIXING A REASONABLE DEFINITION AND STANDARD  
OF IDENTITY OF CERTAIN DRY MILK SOLIDS

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DECEMBER 18 (legislative day, DECEMBER 15), 1943.—Ordered to be printed

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Mr. CLARK of Missouri, from the Committee on Commerce, submitted the following

## REPORT

[To accompany H. R. 149]

Together with the

## MINORITY VIEWS

The Committee on Commerce, to whom was referred the bill (H. R. 149) to fix a reasonable definition and standard of identity of certain dry milk solids, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

Extensive hearings were held on the bill by the House Committee on Interstate and Foreign Commerce. The report of the Committee on Interstate and Foreign Commerce follows and is made a part of this report.

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[H. Rept. No. 456, 78th Cong., 1st sess.]

This bill proposes to establish "a reasonable definition and standard of identity" for defatted milk solids. Under the definition proposed for the purposes of the Federal Food, Drug, and Cosmetic Act, nonfat dry milk solids, or defatted milk solids, would consist of the dried product of sweet milk of cows from which the cream has in whole, or in part, been removed. Such product shall not contain more than 5 percent of moisture nor over 1½ percent of fat, unless otherwise indicated.

Under the Food, Drug, and Cosmetic Act as now administered, by Government compulsion, dry milk solids containing less than the whole of the butterfat of milk is required to be sold under the designation of "skim."

The word "skim" is a term which stigmatizes the product to which it is applied because it carries the impression of inferiority or worthlessness.



Every article of merchandise is sold on its reputation, its good or bad name. The compulsory application of this bad name to a good product is inaccurate, unfair, and retards the use of this very valuable food product by millions of consumers of the country. The purpose of this bill is to remove that stigma from a valuable and wholesome food.

#### CONSUMER NEEDS

There are said to be over 30,000,000 people in the United States who do not directly use milk, either dry or liquid. Millions of these people are of the underprivileged class and suffer from malnutrition for the lack of a properly balanced diet, and particularly those qualities of a balanced diet that are contained in defatted milk solids. Of all the vast supply of separated milk in the United States, only a comparatively trivial amount of this valuable food product reaches the consumers who need it. There is probably no comparable source of an increased supply for human consumption of a food of so valuable a quality as that contained in defatted milk solids.

On account of its nutritional qualities, nutritive value, and its compact form defatted milk solids are in demand for military services and for lend-lease purposes. Ninety percent of the spray processed powder has been set aside by the Government for overseas shipment.

The advantage of compactness in getting food to England, to Russia, and to our armies overseas by cargo ship, through submarine-infested waters is obvious. It is a great saver of ships. Dry milk solids are roughly a tenth the weight of the liquid product from which derived without loss in food value. Besides the dried milk is comparatively free of the deteriorating influences to which liquid milk is susceptible.

The Federal Government also requires, by order of the Food Distribution Administration, that all white bread shall be enriched by the addition of milk solids.

#### CONSUMER RESISTANCE

The main use of dry milk solids in America has been in compounding them in the manufacture of food products rather than in their direct use. There is an important and more or less general resistance to a separate product required to be sold as skim milk.

There has been a greatly increased use of dehydrated products due to war demands and our lend-lease policy; yet the price for dried milk products is entirely out of line with that of other dried food products. The Government buying prices for dried eggs, beef, and pork last year were on an average of \$1.05, \$1.04, \$1.34 per pound, respectively, while the price for dried skim milk was 12.8 cents per pound. We are advised that on the basis of only the calories or energy furnished by these products, the prices for eggs, beef, and pork was more than five times as high as the price quoted for dried skim milk.

On the basis of both the energy and protein, the price paid for dehydrated beef was 11 times as high as the price for dried skim milk. The price for dried eggs was 14 times as high, and the price for dehydrated pork was 30 times as high.

The relative acceptance and use of dried milk by the consumer was out of all proportion to its relative value as human food.

It is difficult for a good product to sell under a bad name.



ADMINISTRATIVE DENIAL OF RELIEF

Under section 401 of the Food, Drug, and Cosmetic Act, and the related Executive order, the Administrator of the Federal Security Agency, when in his judgment such action "will promote honesty and fair dealing in the interest of consumers," shall promulgate regulations fixing and establishing for any food, "under its common and usual name, so far as it is practicable, a reasonable definition and standard of identity."

Labels used in connection with the advertising or sale of such foods are required under severe penalties to conform to the definition so established.

On application of an interested industry, or a substantial portion thereof, stating reasonable grounds therefor, the Administrator shall hold a public hearing upon a proposal to issue, amend, or appeal any such regulation.

The original order fixing the definition and requiring the use of the word "skim" was made on July 6, 1940.

The dry-milk industry, with the cooperation of a large part of the dairy industry, has three times petitioned for a definition that would eliminate the word "skim" from the required name of dried-milk solids. Its petition has three times been denied. The first petition was filed on August 23, 1940, within 2 months of the original order. After the second denial, the industry came to Congress for relief, in the Seventy-seventh Congress. Under the suggestion that the industry and the Administrator get together and agree upon a satisfactory definition for this product, consideration of the matter by our committee was temporarily dropped. After a fruitless effort to secure relief by a satisfactory adjustment, the industry presented a formal petition requesting another hearing of the matter. The petition of the industry was alleged to be supported by 80 percent of the dry-milk industry and was also supported by a very substantial portion of the dairy industry of the country.

Among other things the petition stated:

We request that any regulation that may be issued, or amendment of the present regulation, shall eliminate any provision for the compulsory use of the words, "dried skim milk," "powdered skim milk," or "skim milk powder." We suggest that a standard of identity include the words, "dry milk solids" or "defatted milk solids," or other words which accurately define the finished product; that the standard should define the product and not the method of preparation or what is misconceived to be the method of preparation.

It will be noted that this petition asked for the elimination of the word "skim" from the definition and suggested the words "dry milk solids, or defatted milk solids, or *other words which accurately defined the finished product.*" With the word "skim" eliminated, the industry was satisfied to leave to the Administrator the selection of proper words to define the product. This proposal was rejected. The effort to secure this relief proved futile and the supporters of this legislation then turned to Congress as the only available source of relief from the injustice of the present stigma cast upon this product by existing regulations.

Prior to denial of this petition, the industry had sought an adjustment in the matter by conferences with the representatives of the Administrator. No adjustment was secured.

The last petition to the Administrator was presented January 13, 1943, and denied February 2, 1943.

## A COMMON NAME SO FAR AS PRACTICAL

An attempt was made at hearings to justify the refusal of the Administrator to relieve the situation by the claim that it was his duty to designate the common name of the food and that skim milk was the common name of the product from which dry milk solids are produced.

In the first place, the law gives a discretion to the Administrator.

In the second place the name selected should be an honest one and not deceptive.

There are two commonly used names which identify segregated milk solids. One identifies milk segregated by the process of skimming—skim milk—and the other, segregated by the use of the modern cream separator—separated milk. Each of the common names describes the product by the method of segregation. These processes will be described in more detail later.

From a practical standpoint there are no milk solids on the market produced by the skimming process. The only dry milk solids on the market are derived from the product which comes from the cream separator.

The two terms in contrast clearly identify the difference between skimmed milk and separated milk. In contrast, they not only indicated the difference in the method of segregation but also the more important difference in quality.

A true and accurate common name to apply to the product made by the cream separator was "separated milk."

"Skim milk" and "separated milk"—here were two names which commonly defined the two products respectively. If the administrative agency was contented to describe these products by the mere method of segregation, why did it not apply to milk solids segregated by the separator process the name of "separated milk" instead of the inaccurate and out-moded name of "skim milk"? A name essentially false was thus imposed on a product that was otherwise free from the stigma of skim milk. The common name accurately applicable was rejected.

## AN HONEST NAME

As indicated above, there are two commonly recognized methods of segregating the fat of milk from its other solids. One is the old method, hand skimming, and the other is by the modern cream separator. Each method resulted in a common name describing the product from the mechanical method of separating the solids rather than by a description of the qualities of the resulting products.

Skim milk, secured by the process of skimming, was ordinarily the residue product after milk had stood in pans for 1 or 2 days, then was hand skimmed. Ordinarily it was not under refrigeration. Bacterial changes promptly set in, breaking down the normal qualities of the residue of the milk. The skim milk thus secured was not only inferior in the sense that it was inferior to the whole milk. It was an inferior product also because of the deterioration suffered before the skimming took place.

Very frequently skim milk was handled under the most unsanitary conditions and was used principally for hog feed. In this manner the word "skim" in its historical origin, and in practice, came to designate an inferior article and much of it was unfit for human consumption. The prejudice against the name had its foundation in the facts.

Separation of solids from milk by the modern cream separator is an entirely different process. The milk, taken while fresh, uncontaminated and unchanged by bacterial action or unsanitary conditions, is placed in a separator and in a few minutes passes through the separator and is converted into cream and separated milk. Then this separated milk is placed in a modern dehydrator and in a few seconds it pours out of a machine in a stream of pure dry milk solids.

In each of these cases there was a segregation of the fat solids from the defatted milk solids, in the one case by skimming and in the other by separation. The effects upon the resulting product were radically different.

To apply to the product of a modern dehydrator that same name as was applied to the antiquated and discarded method of skimming milk is practically an absurdity, untruthful in its inferences, inaccurate in fact.

#### "SKIM" CARRIES A STIGMA

The Century Dictionary states:

Skim milk: Milk from which the cream has been skimmed; hence, figuratively, that which lacks substantial quality, as richness or strength; thinness; inferiority.

A large baker customer, about to launch an extensive advertising campaign on the fact that he enriched his bread with dry milk solids, on learning that the Food and Drug regulations prevented him from doing so unless he used the term "dry skim milk," abandoned his campaign.

The stigma of the term "skim" is so generally recognized as to furnish a very practical barrier to retard the use of the product. The compulsory use of that term is an injustice to the consumers of the country. The unfavorable reaction is reflected in the limited sales, or demands, for the product and the resulting injustice to the producers of the product.

The terms "dry milk solids" and "nonfat dry milk solids" are now extensively used in educational publications issued by universities, colleges, and experiment stations throughout the country and even in United States Government publications and orders. So that the word "skim" as widely recognized in educational and governmental, as well as dairy industry circles, is not fairly descriptive of the nonfat dry milk solids.

"Defatted milk solids," or "nonfat dry milk solids," are accurate descriptions of the product, without deception, without stigma and without injury to anyone.

The demand for the change of this unfortunate regulation comes from an important industry whose legitimate activities should be encouraged instead of handicapped by unwarranted administrative regulations.

#### PRACTICAL NUTRITIONISTS SUPPORT BILL

Among others, two of the most famous nutritionists of the country gave their impressive support.

One was Dr. E. V. McCollum, professor biochemistry, at the Johns Hopkins University, and the other, Dr. Ralph M. Wilder, a member of the staff of the Mayo Clinic, who is Chief of the Branch of Civilian Requirements of the Food Distribution Administration. Dr. Wilder is also a member of the Council of Foods, American Medical Associa-



tion, and of the National Research Council's Committee on Food and Nutrition. These two men of outstanding ability and experience, trained in the school of practical affairs, with a deep devotion to the service of their profession, realize the practical importance of this legislation and give it their heartiest endorsement. Among other things, Dr. McCollum said:

It is my hope that your committee will approve and Congress will pass H. R. 149 in order to do justice to an excellent food product.

The term "dry skim milk," which is now the legal name for dry milk solids, is unfair and untrue; it means inferiority and I'll tell how that came about.

But first, let me say that this product, which we want legally to call "dry milk solids" is now recognized by all nutritionists as the most valuable part of milk. It is also our greatest undeveloped food resource. If its development had been encouraged instead of being held back by a bad name, and we now had twice or three times as much milk powder for overseas shipment, our present emergency food problem would be greatly simplified.

It is another case of short-sightedness—"too little, too late."

The historical reason why "skim" is a bad name is this: People were taught years ago that only the cream or fat of milk was valuable. Besides, the skimming method was primitive; milk stood for hours without refrigeration to let the cream rise; it deteriorated, and often the "skim" milk was only fit for hog feed. "Skim milk" came to mean hog feed and still does in the minds of most people.

Dry milk solids or defatted milk solids today are made from sweet separated milk. This milk is cooled immediately after milking and taken to modern manufacturing plants by quick transport. There it is put through a mechanical cream separator, shot under the pressure to the drier, and becomes powder within a few seconds. There has been no deterioration as in the old-fashioned skimming process. In a food so delicate as milk this is of first importance.

#### THE ADMINISTRATIVE REGULATION AS TO SKIM MILK IS A BARRIER TO BETTER NUTRITION IN THIS COUNTRY

Here are some excerpts from Dr. Wilder, of the Mayo Clinic:

\* \* \* the nonfat milk solids are of great importance, representing perhaps the most valuable form of protein food there is and containing also one of the most important sources of riboflavin. Riboflavin is a vitamin which is not provided abundantly by any other foods. Calcium, a mineral which is not provided abundantly by other foods also is best supplied by milk.

The main reason, however, for the value of nonfat solids in milk is because of their content of certain essential amino acids not found to a corresponding degree in many other foods \* \* \*.

There is a very wide agreement among nutritionists that the use of the word "skim" creates a resistance on the part of the public to the acceptance of this product \* \* \*.

We are anticipating that a large production of these dry milk solids will be needed. We need that product badly to supply the export requirements for Lend-Lease and for foreign relief that we shall be engaged in. The Army is using large amounts of material of this type \* \* \*.

When the war is over we shall have these large plants for manufacturing these dry milk solids. Many of us hope that when the war is over we can have this product accepted by the public at large and sold in the grocery stores in packages. Experience has shown, however, that the public while accepting this so-called skim-milk product when they do not know that it is at present mixed with other foods, resist it when you try to sell it to them as "skim milk" solids.

I see no purpose in obstinately setting up a psychological barrier to the accomplishment of better nutrition in this country \* \* \*. My feeling is that it is impractical to use the name "skim milk"; impractical from the standpoint of getting the wide use we want to have.

I also feel that the name is not perfectly honest and, therefore, the use of that name, "skim milk," I consider is not promoting honesty. The implication of the name is an untruth. The implication of the name is that you are trying to distribute something that is inferior, whereas, as a matter of fact, you are trying to distribute something that is nutritionally very superior \* \* \*.



My feeling is that the words "nonfat" or "defatted" would not be misleading \* \* \*. You are leaning over backward in giving the public something more than they expect to receive when you call it "defatted."

I think it is very important for the future prosecution of the war and in the future nutrition of this country, that we get this product widely distributed, and for that reason, as I say, speaking solely for Dr. Wilder, nobody else, appearing here only as a citizen of the United States, I feel strongly in this matter and would like to see a change made in that name.

As stated by Dr. Wilder, the insistence on the word "skim" is obstinately setting up a psychological barrier to the consumption of this useful produce. It sets up a barrier to better nutrition in this country. He states it is impractical to use the word "skim" from the standpoint of getting the widest use of dry milk. He also feels that the name is not perfectly honest. The implication of the name is an untruth as applied to defatted milk produced by the modern methods.

#### SUPPORTERS OF LEGISLATION

Extensive hearings were held upon this question in both the present and in the last Congress.

A substantial majority of the dairy industry of the United States desires this legislation. Among them is the National Cooperative Milk Producers Federation representing 60 farmer-owned and controlled cooperative associations in 40 States, with a membership in excess of 260,000. The American Dry Milk Institute represents in excess of 75 percent of the dry-milk manufacturers in the United States. Evidence was presented showing endorsement of the bill by numerous State dairymen's associations, manufacturers of dairy products, and many individual dairymen and manufacturers. While dry-milk manufacturing and production is a small part of the whole dairy industry, yet a large proportion of that industry does participate in dry-milk production.

Proponents of the bill included numerous educators, heads of the dairy departments of State colleges and universities, including those of a dozen States. Educators appearing as witnesses favoring the legislation included Prof. C. A. Iverson, head, dairy department, Iowa State College; Dr. Ouida Davis Abbott, head, department of home economics, University of Florida; Prof. C. L. Roadhouse, head, dairy industry division, University of California; Prof. B. W. Fairbanks, department of animal industry, University of Illinois.

Also included among the proponents were a number of State department of agriculture officials. Numerous editorials from the farm press, newspapers, and industry publications have given their aid.

The bakers, who are the largest users of the product, were represented in their support of the bill by such organizations as the American Bakers Association, and the American Institute of Baking, and by several witnesses.

A large number of persons and organizations appeared and approved of the legislation, as indicated by the hearings, pages 144-146.

This legislation is of especial interest to the enlightened and humane class of our people who are interested in the welfare of children and their relief from the evils of malnutrition.

Dr. Ouida Davis Abbott, of the University of Florida, who has given so much of her life in behalf of children, presented striking

information indicating the importance of getting this valuable dry milk product out to the underprivileged children of the country.

She referred to the grocer who wanted nothing to do with "skim milk" in a community where there was so much need for dry milk solids.

Asked to express an opinion as to whether the use of the word "skim" to identify this milk tends to retard its use, she replied:

It does in the store, certainly. We have the most trouble with the grocers. I think I can control the little group I am working with, but not the grocer and the other people.

Here follows report of the Federal Security Agency on H. R. 7002 of the Seventy-seventh Congress, an identical bill to H. R. 149 of the present Congress:

FEDERAL SECURITY AGENCY,  
Washington, June 15, 1942.

HON. CLARENCE F. LEA,  
Chairman, Committee on Interstate and Foreign Commerce,  
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: Reference is made to your letter of April 28, 1942, requesting a report relative to H. R. 7002, a bill to increase agricultural purchasing power and to meet the need of combating malnutrition among the people of low income by defining and making certain a reasonable definition and standard for nonfat dry milk solids.

This bill proposes to establish a definition and standard for the food to which it refers for the purposes of the Food, Drug, and Cosmetic Act.

As you may recall, pursuant to and by virtue of the provisions of section 401 and 701 (e) of the Federal Food, Drug, and Cosmetic Act, a definition and standard of identity for this food was established under date of July 6, 1940, and published in the Federal Register of July 12, 1940 (copy attached).<sup>1</sup> This action was taken in accordance with the law after proper hearing and findings of fact. Thereafter an effort was made to invalidate the order by a petition to the Circuit Court of Appeals of the Eighth Circuit (*Twin City Milk Producers Ass'n et al. v. McNutt, Federal Security Administrator (American Dry Milk Institute, Inc., et al., Interveners)*), 122 Fed. (2d) 564, 123 Fed. (2d) 396). The order was approved and affirmed.

If enacted, H. R. 7002 will have the effect of amending this definition and standard of identity as follows:

#### *Present Food and Drug Regulation*

Dried Skim Milk, Powdered Skim Milk, Skim Milk Powder, is the food made by drying sweet skim milk.

It contains not more than five percent of moisture, as determined by the method prescribed in Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists, Fourth Edition, 1935, page 282, under the caption "Moisture—Tentative".

The term "skim milk" as used here in means cows' milk from which the milk fat has been separated.

#### *Proposed by H. R. 7002*

Dry Milk Solids or Defatted Milk Solids is the product resulting from the removal of fat and water from milk, and contains lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made.

It contains not over 5 per centum moisture.

The fat content is not over 1½ per centum unless otherwise indicated.

The term "milk," when used herein, means sweet milk of cows.

<sup>1</sup> Not printed.

The principal issue presented by the proposed bill is as to the name under which the product is to be sold. The names permitted under the present food and drug regulation are "Dried Skim Milk," "Powdered Skim Milk," and "Skim Milk Powder." At the hearing prior to the adoption of this regulation the contention was advanced that the use of the term "skim milk" is arbitrary and unreasonable because it tends to create a derogatory impression in the public mind of the quality or the food value of the product. It was developed that manufacturers had been fostering the use in the trade of the designation "Dry milk solids not over 1½ percent fat." The evidence showed that consumers are unfamiliar with this designation, that it is not correctly descriptive of the product, and that it is misleading. From the record it was apparent that, if the adoption of such a designation would promote the sale of the product, this would be accomplished only through deception of consumers.

Relative to this point the circuit court of appeals (122 Fed. (2d) 568) said:

"It is further contended that the use of the term 'skim milk' is arbitrary and unreasonable, because it tends to create a derogatory impression in the public mind of the quality or food value of the product. The American Dry Milk Institute, which was an association of producers of skim milk powder, had been trying to foster the use in the trade of the designation 'Dry milk solids not over 1½ percent fat,' and petitioners and interveners asked the Administrator to adopt this term.

"The statute required the Administrator, in fixing a definition and standard of identity for a food, to do so 'under its common or usual name so far as practicable.' What was the common or usual name of the food product here involved, and whether its use in a regulation would be practicable for administrative purposes, were questions for the Administrator, on which we would not be at liberty to disturb his determination, if based upon substantial evidence. Such substantial evidence is contained in the record in this case. The Administrator was not required to hold it impracticable, for regulation purposes, to use what the evidence sufficiently showed to be the common or usual name of a product among ultimate consumers, merely because such a designation might not be as conducive to sales by producers as some term of commercial coinage and glossing. The Administrator's obligation under the statute was simply the promotion of honesty and fair dealing in the interest of consumers. While he would have no right to adopt a designation for the purpose of destroying trade in a legitimate food product, there could ordinarily be no arbitrariness involved in using the common or usual name of such a product for regulation purposes."

An important feature of the Food, Drug, and Cosmetic Act which has proved of great value to consumers is its requirement of informative labeling of food and drug products. To insure that consumers will be neither misled nor confused by the names employed on labels, the act requires that labels of foods and drugs bear their "common or usual" names, and the "common or usual" names of ingredients. Although in the present case it has been found that milk from which the milk fat has been separated and moisture removed is commonly known as dried skim milk, powdered skim milk, or skim milk powder, H. R. 7002 seeks a designation of this food as dry milk solids or defatted milk solids. At best these proposed names are confusing; at worst, thoroughly deceptive.

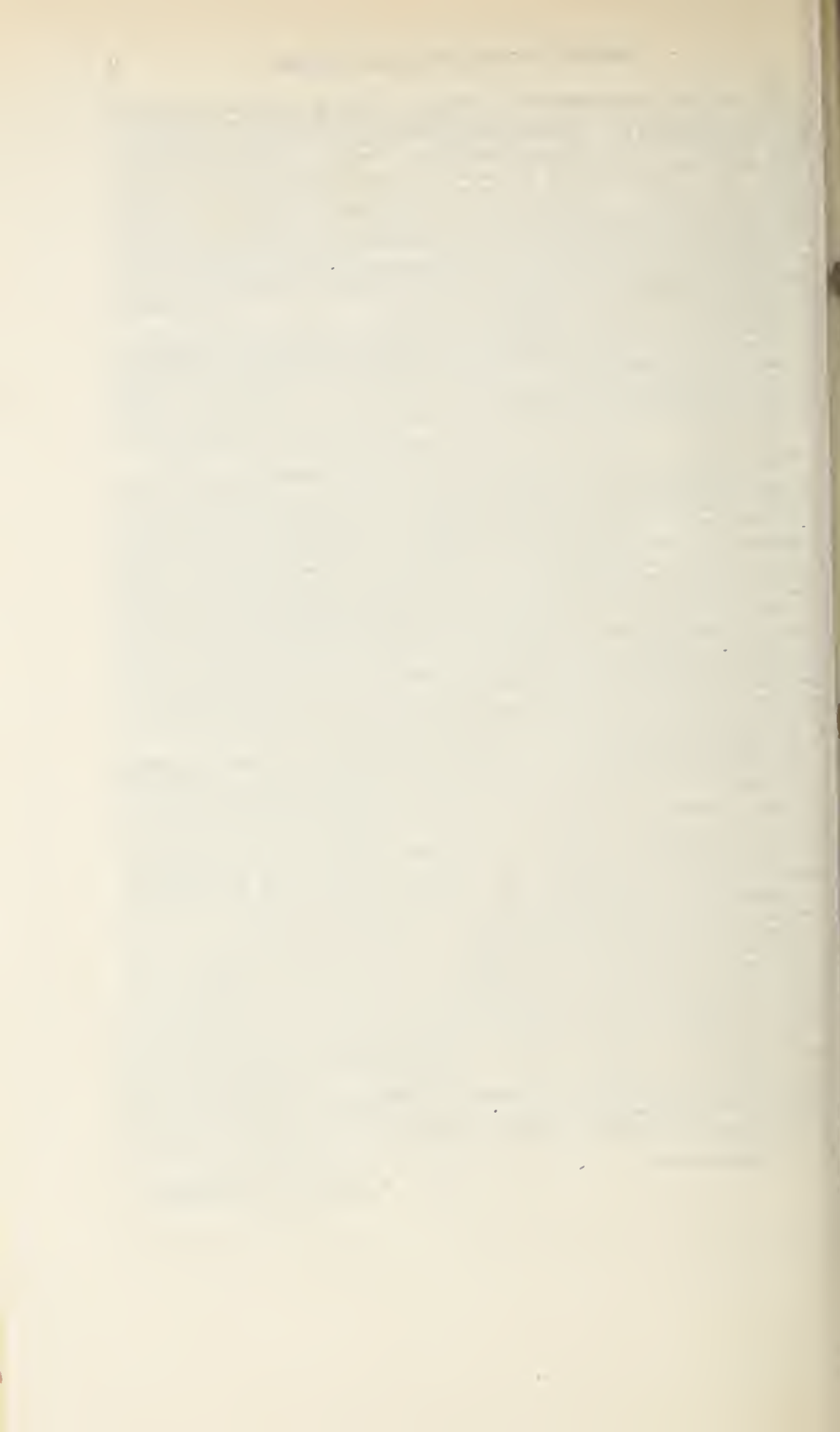
Dried skim milk is a valuable food, but it should be sold for what it is. No good is to be accomplished by so changing the definition and standard as to create the impression that the product in question is not a skim-milk product. Even if this should accelerate sales temporarily, it is probable that producers and marketers would find in time that the consuming public has discovered the product's mislabeling and reacted accordingly.

Since enactment of the bill would weaken the consumer protective features of the food and drug law and would create a wholly undesirable precedent, I recommend that it not be enacted.

This Agency is advised by the Bureau of the Budget that there would be no objection to the submission of this report to your committee, as it is not believed that this legislation could be considered as being in accord with the program of the President.

Sincerely yours,

PAUL V. McNUTT, *Administrator.*





## MINORITY VIEWS

In my opinion it is very necessary that a minority report should be submitted against the enactment of H. R. 149. The bill should not be passed by the Senate, mainly for the following reasons:

(1) The bill runs counter to a well-established policy of the Federal Government.

(2) The bill is repugnant to the chief purpose of the Federal Food, Drug, and Cosmetic Act of June 25, 1938. The law was enacted for the protection of consumers.

(3) The bill's purpose is to substitute a confusing and misleading name for the common and usual name of a food product.

(4) The effect of the bill is to have the Congress discharge administrative duties which the Federal Food, Drug, and Cosmetic Act authorizes an agency of the Government to administer.

(5) The enactment of the bill will establish a dangerous precedent and will result in other bills being introduced to alter labels designated by the Administrator on foods, drugs, and cosmetics.

(6) The bill seeks to substitute the usual and common name of "dried skim milk, powdered skim milk, skim milk powder" with the unusual, confusing, and deceptive name of defatted milk solids and nonfat milk solids.

(7) The rechristening measure is sponsored by commercial interests producing and distributing the product and is opposed by groups representing the consuming public.

(8) The definition and standard of identity for "dried skim milk, powdered skim milk, skim milk powder" by the Administrator of the Food, Drug, and Cosmetic Act, after hearing, was sustained by the Circuit Court of Appeals, Eighth Circuit, September 9, 1941 (*Twin City Milk Producers Association et al. v. McNutt, Federal Security Administrator*, 122 Fed. 2d 564).

The intent of the bill is completely at variance with the sound principles of honesty and fair dealing in labeling prescribed by the Food, Drug, and Cosmetic Act of June 25, 1938. That measure, the result of 5 years of serious legislative study, adopted "honesty and fair dealing in the interest of consumers" as a basic policy. In pursuance thereof it requires that each food for which a definition and standard is set up be labeled by its common or usual name.

The Federal Food, Drug, and Cosmetic Act of June 25, 1938 (title 21, ch. 9, U. S. Code, p. 1857), provides:

Whenever in the judgment of the Administrator such action will promote honesty and fair dealing *in the interest of consumers*, he shall promulgate regulations fixing and establishing for any food, *under its common or usual name* so far as practicable, a reasonable definition and standard of identity, a reasonable standard of quality, and/or reasonable standards of fill of container. (Sec. 341, p. 1862, U. S. Code.)

The act further declares:

A food shall be deemed to be misbranded—

If its labeling is false or misleading in any particular.

\* \* \* \* \*

If any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon

with such conspicuousness \* \* \* and in such terms as to render it likely to be read and *understood by the ordinary individual under customary conditions of purchase and use* (sec. 343, p. 1863, U. S. Code).

The act further provides that, where there is no representation as to definition and standard of identity, nevertheless the common or usual name of the food must appear upon the label.

Hence, the chief purpose of labeling is to acquaint the consuming public with what it is buying under its common or usual name.

The advocates of the pending measure now propose to depart from a sound and straightforward principle embodied in our law and enacted in the interest of the consuming public. They propose to adopt, by legislative enactment, new and strange names for a product long known as "dried skim milk," "powdered skim milk," and "skim milk powder." The bill proposes to substitute for these common and usual names, which are unmistakably truthful and informative, two new names, "nonfat dry milk solids" or "defatted milk solids," which must necessarily be confusing, unenlightening, and misleading to consumers.

I object to the establishment of a precedent by the Congress which will encourage vendors of food products who find difficulty in disposing of their produce when honestly labeled to believe that they can secure legislative support for the substitution of confusing and uninformative names. If the Congress takes this first step in the way of breaking down the principle of honesty in labeling, which is so fundamental a part of the Food, Drug, and Cosmetic Act of June 25, 1938, it most certainly will be faced with identical demands for relaxations of the law whenever a sufficiently influential group believes that its commercial interests can be furthered by similar legislation.

One may well ask whether, having begun the process of breaking down the Food, Drug, and Cosmetic Act, there are any logical reasons for resisting further efforts at emasculation. The most casual review of food labels now on the market reveals that manufacturers in general have met the requirements of the new law sincerely and honestly. An inquiring consumer can readily learn the identity of a food without resort to a lexicon. Is there any reason why the manufacturers of "dried skim milk" should be legislatively set apart as a favored class by permitting them to evade the requirement for straightforward and informative labeling? In all fairness, if the Congress proposes to accord this special privilege to the manufacturers and vendors of "dried skim milk," should it not give identical favors to all food manufacturers?

In passing the Federal Food, Drug, and Cosmetic Act, Congress wisely concluded that the details of establishing definitions and standards of foods under their common or usual names were matters for administrative rather than legislative control. It laid down comprehensive procedures which are binding upon the Administrator for the establishment of definitions and standards. As a further safeguard against arbitrary action by the Administrator it provided for a review of each such definition and standard by the appropriate circuit court of appeals of the United States whenever the Administrator's action was questioned.

The Administrator of the Federal Security Agency, proceeding in exact compliance with the terms of the Food, Drug, and Cosmetic Act, established a definition and standard for "dried skim milk," "powdered skim milk," or "skim milk powder," and made a finding

that this food product is commonly known under these names. Upon appeal the Administrator's action was affirmed by the Circuit Court of Appeals for the Eighth Circuit.

In the course of its opinion the court said:

The Administrator was not required to hold it impracticable, for regulation purposes, to use what the evidence sufficiently showed to be the common or usual name of a product among ultimate consumers, merely because such a designation might not be as conducive to sales by producers as some term of commercial coinage and glossing. The Administrator's obligation under the statute was simply the promotion of honesty and fair dealing in the interest of consumers. While he would have no right to adopt a designation for the purpose of destroying trade in a legitimate food product, there could ordinarily be no arbitrariness involved in using the common or usual name of such a product for regulation purposes (122 Fed. 2, 568).

Now, to circumvent this legally correct action of the Administrator, a commercial group seeks to have this action set aside by legislation—set aside, not in the interest of the consumer, but solely to benefit the manufacturer.

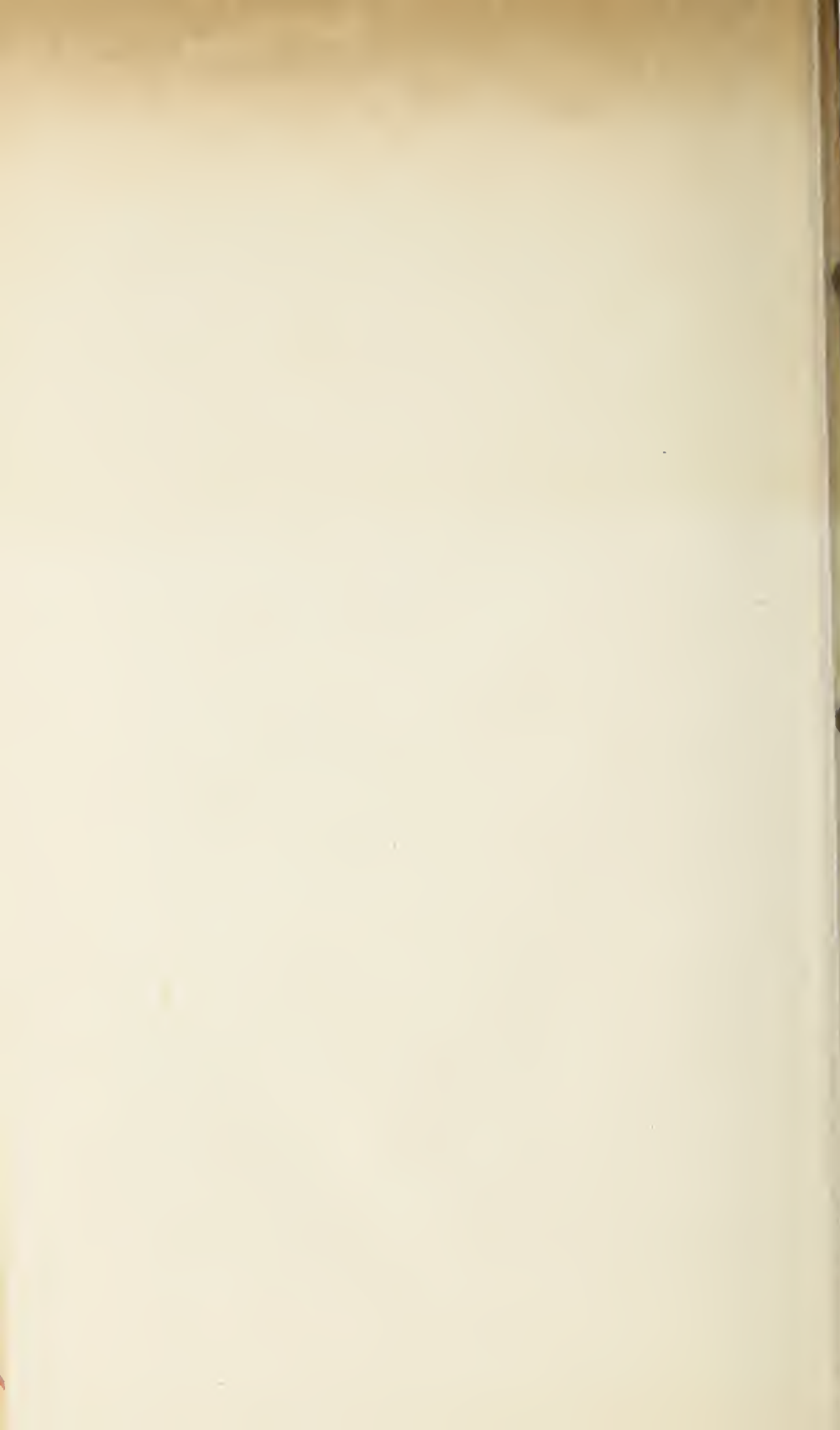
If the Congress, after action by the Administrator in full conformity with the mandate laid down by itself in the Food, Drug, and Cosmetic Act and sustained by the court of appeals, now proceeds by legislative enactment to adopt the names "nonfat dry milk solids" or "defatted milk solids" as substitutes for the common or usual names "dried skim milk," "powdered skim milk," and "skim milk powder," it will have departed from the legislative and invaded the administrative field.

The passage of this rechristening measure is sponsored by those having direct commercial interests in the production and distribution of dried skim milk. It is clear that they seek to rename this product in the belief that they will acquire a commercial advantage by confusing purchasers as to the real identity of the product. Testimony was presented, in the course of the House hearings on this bill, by consumer groups supporting the general principle of honesty in labeling inherent in the Food, Drug, and Cosmetic Act, and protesting against any surrender of this principle. Groups with such Nationwide representation as the National Congress of Parents and Teachers and the General Federation of Women's Clubs testified that "skim milk powder" is recognized by consumers under that name as a wholesome and useful product and that there is no sales resistance to its purchase under that name. They represent the same groups that advocated the passage of the Food, Drug, and Cosmetic Act and the inclusion therein of rigid provisions calling for honest and informative labeling.

Common honesty demands that all foods be sold under names that clearly indentify them for what they are. To make a legislative exception to this rule for the benefit of one influential commercial group betrays the sound principle of honesty and fair dealing in the interest of the consumer.

I supported the labeling provisions of the Food, Drug, and Cosmetic Act when its passage was under consideration by the Senate, and I cannot, in all sincerity, fail to oppose a measure which will serve as an entering wedge in breaking down a vital provision in one of the most important pieces of legislation enacted by the Congress in recent years.

JOHN H. OVERTON.





FILE COPY

Calendar No. 632

78TH CONGRESS  
1ST SESSION

# H. R. 149

[Report No. 623]

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 5 (legislative day, SEPTEMBER 15), 1943

Read twice and referred to the Committee on Commerce

DECEMBER 18 (legislative day, DECEMBER 15), 1943

Reported by Mr. CLARK of Missouri, without amendment

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## AN ACT

To fix a reasonable definition and standard of identity of certain  
dry milk solids.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That for the purposes of the Federal Food, Drug, and Cos-  
4       metic Act of June 26, 1938 (ch. 675, sec. 1, 52 Stat. 1040),  
5       nonfat dry milk solids or defatted milk solids is the product  
6       resulting from the removal of fat and water from milk, and  
7       contains the lactose, milk proteins, and milk minerals in the  
8       same relative proportions as in the fresh milk from which  
9       made. It contains not over 5 per centum by weight of  
10      moisture. The fat content is not over  $1\frac{1}{2}$  per centum by  
11      weight unless otherwise indicated.

1       The term "milk", when used herein, means sweet milk  
2   of cows.

Passed the House of Representatives October 4, 1943.

Attest:

SOUTH TRIMBLE,

*Clerk.*

Calendar No. 632

78TH CONGRESS  
1ST SESSION

**H. R. 149**

[Report No. 623]

## **AN ACT**

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Read twice and referred to the Committee on Commerce

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**REIMBURSEMENT OF CERTAIN NAVY PERSONNEL FOR LOSS CAUSED BY FIRE AT DAVISVILLE, R. I.**

The bill (S. 1542) to provide for reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of a fire in Building B. O. Q. O-3 at the United States naval construction training center, Davisville, R. I., on March 27, 1943, was announced as next in order.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. OVERTON. Mr. President, reserving the right to object, I should like to ask the Senator from Massachusetts, have we not general legislation providing for reimbursement of losses of this kind?

Mr. WALSH of Massachusetts. No. There is general legislation applying to losses of this character when they occur at sea, but there is no general legislation which provides for reimbursement for losses on shore in Navy and Marine barracks and stations. It has been suggested that such legislation be enacted, but I think perhaps it is a good idea to have the Navy Department come to the Congress for permission to pay the losses, to explain their investigation of the cause of fires and also their inquiry into the amount of damage. I think that is helpful in the long run.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed \$4,797.15, as may be required by the Secretary of the Navy, to reimburse under such regulations as he may prescribe, certain Navy personnel and former Navy personnel for the value of personal property lost or damaged in a fire in building B. O. Q. O-3, at the United States naval construction training center, Davisville, R. I., on March 27, 1943: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

**C. GUY EVANS**

The bill (S. 1589) for the relief of C. Guy Evans, Garland Mineral Springs, Index, Wash., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,527.79 to C. Guy Evans, of Garland Mineral Springs, Index, Wash., in full satisfaction of his claim against the United States for compensation for the destruction by fire of his recreation hall at Garland Mineral Springs, Index, Wash.,

November 17, 1942, which was being used by personnel of the United States Coast Guard who failed to exercise reasonable care in the protection of the premises: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

**MILITARY RANK FOR CERTAIN MEMBERS OF THE NAVY NURSE CORPS**

The bill (H. R. 2976) to grant military rank to certain members of the Navy Nurse Corps was considered, ordered to a third reading, read the third time, and passed.

**REIMBURSEMENT OF CERTAIN NAVAL PERSONNEL FOR LOSSES SUSTAINED BY FIRE IN ALASKA**

The bill (H. R. 3605) to provide for reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as the result of fires in tents used as quarters by members of the Twelfth Naval Construction Battalion, Long Island, Alaska, on December 26, 1942, and May 26, 1942, respectively was considered ordered to a third reading read the third time, and passed.

**REIMBURSEMENT OF CERTAIN NAVY PERSONNEL FOR LOSSES BY FIRE AT PORTSMOUTH, VA.**

The bill (H. R. 3606) to provide for reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as a result of a fire at the Outlying Degaussing Branch of the Norfolk Navy Yard, Portsmouth, Virginia, on December 4, 1942, was considered, ordered to a third reading, read the third time, and passed.

**REIMBURSEMENT OF CERTAIN NAVAL PERSONNEL FOR LOSSES BY FIRE AT CAMP BRADFORD, NORFOLK, VA.**

The bill (H. R. 3607) to provide for reimbursement of certain Navy personnel and former Navy personnel for personal property lost or damaged as a result of a fire in tent L-76 at the Amphibious Training Base, Camp Bradford, Norfolk, Va., on March 15, 1943, was considered, ordered to a third reading read the third time, and passed.

**DISTINGUISHED SERVICE MEDAL FOR LT. GEN. THOMAS HOLCOMB, UNITED STATES MARINE CORPS**

The bill (H. R. 3760) authorizing the President to present, in the name of Congress, a Distinguished Service Medal to Lt. Gen. Thomas Holcomb, United States Marine Corps, was considered, ordered to a third reading, read the third time, and passed.

**STANDARD OF IDENTITY OF DRY-MILK SOLIDS**

The bill (H. R. 149) to fix a reasonable definition and standard of identity of certain dry-milk solids was announced as next in order.

Mr. OVERTON. I ask that the bill go over.

Mr. CLARK of Missouri. Mr. President, I am sufficiently familiar with the attitude of the Senator from Louisiana to know that no good purpose would be served by asking him to withhold the objection at this time. I am aware of the bitter opposition of the Senator from Louisiana to this bill. I simply desire to give notice that at the earliest practicable opportunity, at the conclusion of the call of the calendar, I shall move to take up the bill.

Mr. OVERTON. Let me say, Mr. President, I do not know that my opposition to the bill should be characterized as being bitter. It is nevertheless very firm and, I think, well grounded. I shall be very glad to cooperate with the Senator and agree with him upon a time—

Mr. CLARK of Missouri. I will say to the distinguished Senator from Louisiana that we have discussed the matter at length in the committee. I have read the Senator's minority views on the bill. I think it is an extremely meritorious measure, and I still say that the Senator's attitude has been characterized by bitter opposition to this particular measure.

Mr. OVERTON. I certainly should like to absolve myself of that charge, because I have not been bitter in my opposition, but I am relentless in my opposition. I was about to say that I shall be very glad to cooperate with the Senator to take the matter up at any time that will suit the convenience of the Senate, but I should like to have a day or two notice so that I may be present at the time.

Mr. CLARK of Missouri. The only opportunity to which I am entitled under the rules to move to take up the bill is at the conclusion of the call of the calendar, and I intend to move to take it up at the conclusion of the call of the calendar today, provided it is concluded in a reasonable time. I think that is the only opportunity I will have to make the motion.

The ACTING PRESIDENT pro tempore. Objection being made, the bill will be passed over.

**RELIEF FOR THE PEOPLE OF STRICKEN AND HUNGRY COUNTRIES—**

The resolution (S. Res. 10) submitted by Mr. GILLETTE (for himself and Mr. TAFT) on February 11, 1943, and reported from the Committee on Foreign Relations on December 18, 1943, was considered and agreed to as follows:

Whereas the small democratic countries of Belgium, Norway, Poland, the Netherlands, Greece, Yugoslavia, Czechoslovakia, and others have been invaded and occupied; and

Whereas these small countries which are allied with us in the cause of democracy resisted to the limit of their strength the onrush of invading forces; and

Whereas the usual economic processes of these small countries have been completely dislocated as a result of being occupied by invading forces; and

Whereas the food supplies of all these nations are dangerously exhausted due to requisition of native food supplies by the Germans, and inability to secure their usual imports through the blockade; and



Whereas no relief can be brought to them unless there be international action through which their native supplies can be protected and imports be made through the blockade; and

Whereas starvation has already begun; and

Whereas a plan for feeding the people of Greece has been in effect for several months in Greece under supervision of the Swedish and Swiss Governments and the International Red Cross; and

Whereas after 6 months' trial this relief has been certified by the State Department as working satisfactorily and without benefit to the Germans; and

Whereas the Governments of Belgium, Norway, Poland have requested that their people be given relief; and

Whereas there are food surpluses available in the United States and in South America; and

Whereas many of the small invaded countries have money with which to purchase the food needed to keep their people alive and have signified their desire to use funds for that purpose; and

Whereas the Swedish Government has ships not available to the Allies which could be used for transportation; and

Whereas the specter of mass starvation among friendly and noncombatant women and children is a tragedy that the compassionate heart of America wants to avert; and

Whereas Belgium, Czechoslovakia, Norway, Poland, Greece, Yugoslavia, and the Netherlands and others have lived in friendship with the United States during our entire national existence, and have sent us millions of our most useful and helpful American citizens, and now have no means whatever of securing the necessary agreements by which this disaster can be averted: Now, therefore, be it

*Resolved*, That the Senate of the United States does express the conviction that immediate steps should be taken to extend the Greek experiment and thereby prevent this impending tragedy of mass starvation heretofore named; and be it further.

*Resolved*, That the Senate of the United States respectfully urges that the Government of the United States, through the Secretary of State, endeavor as quickly as possible to work out, in cooperation with the British Government and the Governments of Sweden, Switzerland, and the accredited representatives of the other governments concerned, the setting up of systematic and definite relief for all stricken and hungry countries where the need is now the most acute; this relief to be based on agreements by the belligerents for the protection of the native and imported food supplies, with rigid safeguarding of such relief so that no military advantage whatever may accrue to the civil populations or armed forces of the invading nations.

The preamble was agreed to.

Mr. TAFT subsequently said: Mr. President, I wish to make a statement which will consume about 5 minutes.

The Senate today passed Senate resolution 100, and I ask that the remarks which I am about to make be inserted in the Record following the adoption of the resolution.

This resolution was submitted by the Senator from Iowa [Mr. GILLETTE] and myself in order to initiate and give the sanction of the Senate to the feeding of children in the occupied democracies of Europe, especially Belgium, Holland, and Norway. Since the resolution was submitted, the French situation has become such that feeding is also possible there.

While the general language of the reso-

lution does not specifically mention France, I think it can be said that it is intended that the resolution does cover France, and that it is intended by the authors that any country in a situation similar to that of the countries mentioned will also be dealt with.

The evidence given to the subcommittee of the Foreign Relations Committee showed beyond question that the children in these occupied areas are receiving only from one-third to one-half the food which is considered necessary for the proper health of children in this country and elsewhere. The inevitable result is hardship, starvation, and death for millions, and stunted bodies for many millions more. Furthermore, the mental state of men and women who have been starved in their childhood, when they could have been fed, is no contribution to the future peace of the world.

The resolution requests the State Department to negotiate with England and with Germany to arrange for the shipment through the blockade of special foods for children, just as was done in the First World War by the Commission for Relief in Belgium. Only one objection is made, namely, that in some way the shipment of this food may benefit the Germans. The answers to that are conclusive. No shipments are to be made until guaranties are obtained from the German Government that the food will only reach the children for whom it is intended, that no food will be shipped out of the country for German use, and that the same quantity of food shall be supplied to the country by the Germans, if they have been supplying food, as they have in the case of Belgium. If this guaranty cannot be obtained, the food will not be shipped. If it is broken at any time, shipments will cease, and the amount which could possibly be seized by the Germans at any one time would be infinitesimal. The food will be distributed by the nationals of the country concerned, under the supervision of the International Red Cross, officered by Swiss and Swedish representatives. This method has been pursued in Greece with regard to supplies for the entire population, and it has been entirely successful. In fact, the Greek experiment, forced upon the United Nations by the insistence of the Turkish Government, is a conclusive argument for similar action in other countries. Swedish shipping is available to carry the necessary food stuffs, the volume of which is not great.

There is an extensive movement in England, headed by the Archbishop of Canterbury and many members of the Parliament, to promote the plan. They realize the tremendous importance to the United Nations of preserving the health and morale of the people in the occupied countries, and creating the good will which would result from this action. They see no sense in fighting for the freedom of many innocent nations if the people of those nations are to die or be stunted for life before they can be freed. The project cannot possibly interfere with the war effort of the United Nations.

Mr. President, I ask that there be inserted at this point as a part of my remarks a statement containing quotations from three or four members of the British Parliament dealing with the subject:

There being no objection, the quotations were ordered to be printed in the Record, as follows:

On November 10, 1943, Mr. Stokes said:

"I have given notice, on behalf of a considerable number of members of all parties in the house that we want to take this opportunity of raising what to many of us is a very vital question of famine relief in Europe. We approach this matter in a spirit of intense persuasiveness.

"We do not believe that the assistance for which we ask would be assistance of any kind whatever to the enemy.

"Where adults are used to further the efforts of the German war machine, the Germans see that they are well fed. The people we are seeking to assist are those who are not helped by the Germans, those we hope to rely on in the future, whatever the date may be.

"To follow the policy that we are recommending is obviously good business. When the war comes to an end, unless we now do something about it all our friendly populations are going to be down and out, and starving, and they will hate us and be quite unable to govern Europe. I can imagine the awful bitterness which will prevail in the hearts of the parents of children as a result of suffering, and in many cases death."

Mr. T. Edmund Harvey said, "We have concluded that at least one-third of the young persons in Belgium are suffering from tuberculosis.

"Are we to do nothing to help this tragic situation? The Minister who was seated on that bench an hour or two ago said, in dealing with the problem of tuberculosis in our country, that it requires a full standard of living to combat the disease. Do my honorable friends who listened to that debate see the irony of our saying that of the tuberculosis sufferers in our own country and, at the same time refusing not to give ourselves, but to allow others the opportunity of giving for the benefit of the women and children of Belgium."

Mr. Harold Nicholson said:

"I believe the only way we can get total victory is by total war. I do not wish to embarrass in any way the Government of which I am a most ardent supporter.

"I was a few days ago in Sweden, and I had occasion to speak to and interview a great many earnest and intelligent men who since the beginning of the war have devoted their experience and their energies to a study of the nutrition problem in occupied Europe and to the means by which malnutrition could be at least alleviated. I found it difficult to meet the arguments they put to me

... I racked my brains to think of the arguments ministers have in the past given me, hoping that I should find in them some armor-piercing javelins which would confound and utterly rout my Swedish critics. I searched, and what did I find in the palm of my hand? Not a javelin, not even a pointed dart, but just a handful of dust. They said to me:

"Do your Government, do the House of Commons, know the conditions of Belgium and Greece? Do they see the vital statistics? Do they know the tuberculosis figures? Have they had the facts about child welfare?" 'Yes,' I said, 'I think they have all the information.' Then they said, 'Is it that they mistrust the Swedish Red Cross or the Swiss Red Cross? Is it that they have no confidence in the international arrangements that we have made?' 'No,' I said, 'the Swedish Red Cross and the Swiss Red Cross are regarded in England with the deepest respect and admira-



person happens to have an interest in 40, 80, or 160 acres, that is all he may have, while his neighbor may have a lease on 2,560 acres.

This bill would remove the restriction, so that a person who has a lease on less than 2,560 acres may acquire an interest up to 2,560 acres, but no more, even though it be in different leases. The limitation now is to one lease which may be for 40 acres, or 2,560 acres, but no more. Under the bill he would be permitted to have more than one interest in different leases so long as his total acreage did not exceed the maximum of 2,560 acres.

The bill was recommended by the Secretary of the Interior for the reason, as he has advised us, that the existing law with its limitations is hindering the development of coal properties in Alaska. So long as the maximum amount of 2,560 acres is not exceeded—and this bill would not change the law in that respect at all—our committee felt that the measure was a good one and should be passed.

That is the explanation of the bill which I wished to make.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 3428) to amend sections 6, 7, and 8 of the act entitled "An act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes," approved October 20, 1914 (38 Stat. 741, 743; 48 U. S. C., secs. 440, 441, 442), was considered, ordered to a third reading,

#### UNITED NATIONS RELIEF AND REHABILITATION ORGANIZATION

Mr. CLARK of Missouri obtained the floor.

Mr. BARKLEY. Will the Senator permit me to make an announcement with regard to the business which we wish to conclude?

Mr. CLARK of Missouri. Mr. President, I gave notice during the consideration of the calendar that I intended to make a motion to take up under the rule Calendar No. 632, House bill 149. I do not desire to lose any rights in that regard, but the Senator from Louisiana [Mr. OVERTON], who is the chairman of the subcommittee which considered the bill in the Commerce Committee, and who also submitted minority views, advised me that he wanted to prepare himself a day or two before the bill was to be taken up.

Having consulted the majority leader, I understand that the U. N. R. R. A. legislation is to be made the unfinished business.

In view of the request of the Senator from Louisiana I should like to ask unanimous consent that Calendar No. 632, House bill 149, be made the unfinished business at the conclusion of consideration of the U. N. R. R. A. measure. I simply wished to make that explanation.

Mr. BARKLEY. I was about to ask that the Senate proceed to the consideration of Calendar 699, House Joint Resolution 192, with the understanding that it will not be taken up today.

The PRESIDING OFFICER. The clerk will read the joint resolution by title for the information of the Senate.

The LEGISLATIVE CLERK. A joint resolution (H. J. Res. 192) to enable the United States to participate in the work of the United Nations relief and rehabilitation organization.

Mr. BARKLEY. I move that the Senate proceed to consider the joint resolution. It is understood that the joint resolution will not be taken up today except to be made the unfinished business and considered tomorrow.

Mr. BURTON. As I understand, in the absence of the Senator from Maine [Mr. WHITE], he has concurred in that arrangement?

Mr. BARKLEY. Yes, it is satisfactory to the Senator from Maine.

The PRESIDING OFFICER. Without objection—

Mr. BONE. Mr. President, I do not want to be a voice of discord, but I think we ought to make some effort to dispose of the Puerto Rican bill today. It certainly should not take very many minutes to act upon it.

Mr. BARKLEY. I will say to the Senator that it is not my purpose to take up the U. N. R. R. A. joint resolution today. If the Senator desires to have it temporarily laid aside and ask that some other bill be considered, I should have no objection—

Mr. BONE. If there should be any controversy over the Puerto Rican bill, I think the Senator from New Mexico [Mr. CHAVEZ] and I would abandon any effort to dispose of it, but I thought, with a full explanation by the Senator from New Mexico, we could dispose of it in a little while.

Mr. BARKLEY. I have no objection to that being done. I am willing to have the other bill laid aside temporarily so that the measure referred to by the Senator from Washington may be considered.

Mr. CLARK of Missouri. Mr. President, a parliamentary inquiry. Has the motion of the Senator from Kentucky been agreed to?

The PRESIDING OFFICER. It has not. The question is on the motion of the Senator from Kentucky that the Senate proceed to the consideration of Calendar No. 699, House Joint Resolution 192.

The motion was agreed to; and the Senate proceeded to consideration of the joint resolution (H. J. Res. 192) to enable the United States to participate in the work of the United Nations Relief and Rehabilitation organization, which had been reported from the Committee on Foreign Relations with an amendment.

Mr. CLARK of Missouri. Now, Mr. President, I ask unanimous consent that at the conclusion of the consideration of the unfinished business which is Calendar No. 699, House Joint Resolution 192, Calendar No. 632, House bill 149, to fix a reasonable definition and standard of identity of certain dry milk solids be made the unfinished business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WILEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILEY. I have in front of me what I thought was the U. N. R. R. A. bill, which is marked Calendar No. 698. Senators have been referring to Calendar No. 699. Is not Calendar No. 698 the unfinished business for tomorrow?

The PRESIDING OFFICER. The proper calendar number is 699. The calendar number was erroneously printed as 698.

Mr. WILEY. I thank the presiding

Mr. BONE. I move that the bills which have been made the pending order of business be temporarily laid aside in order that the Senate may consider Calendar No. 669, Senate bill 1407, to amend the act entitled "An act to provide a civil government for Puerto Rico" and for other purposes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Washington that unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the so-called Puerto Rican bill, Senate bill 1407?

There being no objection, the Senate proceeded to consider the bill (S. 1407) to amend the act entitled "An act to provide a civil government for Puerto Rico and for other purposes," approved March 2, 1917, as amended, and known as the Organic Act of Puerto Rico, which had been reported from the Committee on Territories and Insular Affairs with amendments.

The PRESIDING OFFICER. The clerk will state the amendments reported by the committee.

The first amendment of the Committee on Territories and Insular Affairs was, on page 2, line 2, after the word "objectives", to strike out:

It is further declared to be the intention of Congress that no further changes in the organic act shall be made except with the concurrence of the people of Puerto Rico or their duly elected representatives.

The amendment was agreed to.

The next amendment was, on page 2, after line 5, to insert:

Sec. 2. Section 3 of the Organic Act (48 U. S. C., sec. 741a) is hereby amended by adding to the second paragraph, after the words "or brought into the island," the following words: "but any such excise or sales taxes heretofore or hereafter levied on articles, goods, wares, or merchandise imported for exportation purposes shall be refunded if such articles, goods, wares, or merchandise are reexported."

The amendment was agreed to.

The next amendment was, on page 3, line 20, after the words "salary of", to strike out "\$12,000" and insert "\$10,000"; and in line 24, after the word "for", to strike out "maintenance, servants, automobiles, and social functions incident to the office of Governor" and insert "such other services and emoluments as may be provided by act of the Legislature of Puerto Rico."

The amendment was agreed to.

The next amendment was, on page 4, line 6, after the word "of", to strike out "\$7,500" and insert "\$6,000"; in line 16, after the word "to", to strike out "that" and insert "the", and in the same line,



after the word "of", to insert "Governor for the remainder of that term."

Mr. BYRD. Mr. President, I think there ought to be a complete explanation made of this bill before we act on the amendments. The Senate has not received any explanation as yet.

Mr. CHAVEZ. Mr. President, I shall be delighted to explain the bill as best I can to the Senate.

As I stated in my brief remarks when the bill was reached on the calendar, it is the result of the efforts of the commission appointed by the President of the United States that had for its purpose the effectuation of the policy declared on page 1 of the bill itself, which reads:

It is hereby declared to be the policy of Congress to reinforce the machinery of self-government in Puerto Rico and, to this end, to provide for the popular election of the Governor of Puerto Rico, and to provide for the necessary adjustments of relations between the Government of the United States and that of Puerto Rico in accordance with the foregoing objectives.

That is all there is to the bill. It appeared that it was the desire of the Executive of the Nation that the Organic Act of Puerto Rico be so amended that the people of Puerto Rico would be allowed to elect certain of their own governmental officials. With that in view, the President appointed a Commission headed by the Secretary of the Interior and having as members the Under Secretary of the Interior, Governor Tugwell of Puerto Rico, one citizen of this country, and about four or five citizens of Puerto Rico, including the man who was confirmed by the Senate as Chief Justice of Puerto Rico within the week. That Commission met in Washington; they had long deliberations; they listened to testimony; and as a result of their efforts Senate bill 1407 was introduced by the chairman of the Committee on Territories and Insular Affairs. That committee in turn referred the bill to a subcommittee of five members of this body, composed of myself, the Senator from Washington [Mr. BONE], the Senator from Louisiana [Mr. ELLENDER], the Senator from Ohio [Mr. TAFT], and the Senator from Maine [Mr. BREWSTER]. We took up the bill; we read and considered all the data which had been gathered, including all the information available to the Commission that had been appointed by the President. We listened to the testimony of the Secretary of the Interior and a number of others, including many governmental officials and many citizens of Puerto Rico, and, after working on this bill for 4 or 5 months, the subcommittee unanimously reported it to the full committee. Of course the bill probably does not include all that each individual member of the subcommittee would like to have it include, but it is the result of the unanimous opinion of the entire subcommittee. In turn the subcommittee made its report of the bill to the full Committee on Territories and Insular Affairs, and, after the bill was explained, that committee, without a dissenting vote, reported it in the form in which it is now before the Senate.

Mr. VANDENBERG. Mr. President—

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from New Mexico yield to the Senator from Michigan?

Mr. CHAVEZ. I yield.

Mr. VANDENBERG. The much older Territories of Hawaii and Alaska are not yet permitted to elect their own Governors. On what theory is Puerto Rico to be given an elected Governor when similar privilege is not extended to the other Territories?

Mr. CHAVEZ. On the theory of doing justice. The fact that we are not doing justice to Alaska and Hawaii should not keep us from doing justice to Puerto Rico at this instant.

Mr. TYDINGS. Will the Senator from New Mexico yield?

Mr. CHAVEZ. I yield.

Mr. TYDINGS. I should like to point out to the Senator from Michigan another essential difference in the case of Puerto Rico. Practically all the Governors of Puerto Rico have not been Puerto Ricans, or residents of Puerto Rico; they have been residents of the United States. Practically all the Governors of Hawaii, on the other hand, have been life-long residents of Hawaii, and many of them have been natives. For that reason there has not been the agitation in Hawaii for the election of a Governor in comparison with the agitation in Puerto Rico. Puerto Ricans have rarely, if ever, had the privilege of electing the Governor of that Territory.

Mr. VANDENBERG. I am familiar with the Hawaiian situation. It is either provided in the statute, or it is definitely fixed in the procedure, that while the Governor is appointed by the President, he has to be a resident of Hawaii for a certain number of years.

Mr. TYDINGS. The Senator is correct.

Mr. VANDENBERG. It would seem to me that was a perfectly logical intermediate step in the development of greater local autonomy.

Mr. TYDINGS. If the Senator will allow me to interrupt him, I think there is no way of denying the inference of the Senator's question, and if the Hawaiians wanted the privilege of electing their Governors, I think the Senate would look with great sympathy upon their request, but since I have been chairman of the Committee on Territories and Insular Affairs, I do not recall a single request of any nature looking to that result. On the other hand, there has been much solicitation from Puerto Rico.

Mr. VANDENBERG. What is the requirement regarding qualifications of candidates for governor, under the text of the bill?

Mr. CHAVEZ. The qualification regarding residence required of any candidate for governor, if he is a native Puerto Rican, is that he must have lived on the island for at least 1 year. The idea is that many Puerto Ricans come to cities in the United States—Washington, Miami, New York, and others—and remain here for years. We decided that

even in the case of native-born residents, they should have to go back to Puerto Rico and live at least 1 year. If they are not native-born, if they are continental born, they must have lived in Puerto Rico for 5 years. The original bill recommended by the President's commission required a residence of 2 years, and the committee felt that 5 years' residence was better than 2 years.

Mr. VANDENBERG. I understand, then, that an American citizen from the States who has lived 5 years in Puerto Rico would be eligible to run for governor.

Mr. CHAVEZ. The Senator is correct.

Mr. VANDENBERG. How long has Dr. Tugwell lived in Puerto Rico?

Mr. CHAVEZ. When the Senator interrupted me, I was thinking of Calendar No. 12, Senate bill 40, a bill introduced, I think, by the Senator from Michigan. I believe that the 5-year limitation would take care of the situation the Senator asks about.

Mr. VANDENBERG. Is the Senator pretty sure of that?

Mr. CHAVEZ. I am positive. In the first place, Dr. Tugwell has not been in Puerto Rico 5 years. In the second place, he is not a resident of Puerto Rico. I understand from the Senator from Washington [Mr. BONE] that he has been in Puerto Rico about 3 years. But irrespective of that, he is there on a temporary basis, because he is an appointee of the President as governor of Puerto Rico.

Mr. VANDENBERG. Then, in addition to the other advantages of the bill, when the Senator lists the advantages, I suggest he include the emancipation of Puerto Rico from Dr. Tugwell, which I think is exhibit A in the advantages.

Mr. CHAVEZ. The subcommittee considered very carefully the question of a 2-year term or a 5-year term, and I am satisfied in my own mind that all the objectives of Senate bill 40 are taken care of by the residence qualification in the pending bill.

Mr. President, when I was appointed chairman of the subcommittee I was very happy when I learned who the other members were to be. They all devoted their time and energy toward perfecting a measure which, in my opinion, is extremely American. The subcommittee visited the island, and we feel that Puerto Rico is entitled to have a simple bill which will provide for the people of the island a certain amount of self-government, which will prevent someone from the States, someone who might have been unsuccessful in a campaign, becoming Governor of Puerto Rico, and which will enable the people of Puerto Rico to select their own Governor.

This committee, without any personal interest whatsoever, without any feeling that what they were doing would be of any particular benefit to them, so far as they were concerned, devoted their time and brought forth what we consider a simple bill, one designed to carry out the purposes of the first part of the bill, which I read again:

It is hereby declared to be the policy of Congress to reinforce the machinery of self-







# AUTHORITY TO COMMISSIONERS OF THE DISTRICT OF COLUMBIA TO CONVEY LAND

Mr. BURTON. Mr. President, on Tuesday the Senate passed Senate bill 1657, to amend an act to empower the Commissioners of the District of Columbia to convey land. On the same day the House passed an identical House bill, H. R. 4059. Therefore, at the request of the chairman of the Committee on the District of Columbia, I shall ask unanimous consent that House bill 4059 be considered, with a view to its passage, in which case I shall ask unanimous consent that the vote by which the Senate passed Senate bill 1657, a bill to amend an act to empower the Commissioners of the District of Columbia to convey land, be reconsidered, and that the bill be indefinitely postponed.

I now ask unanimous consent that the Senate proceed to the consideration of House bill 4059.

The VICE PRESIDENT. The House bill will be read by title, for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 4059) to amend an act entitled "An act to empower the Commissioners of the District of Columbia to convey land" (approved April 28, 1922).

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, the vote by which Senate bill 1657 was passed is reconsidered, and the bill will be indefinitely postponed.

# SALE OF FISH IN THE DISTRICT OF COLUMBIA

Mr. BURTON. Mr. President, on Tuesday the Senate passed Senate bill 1641, relative to the sale of shad or herring in the District of Columbia. On the same day the House passed an identical bill, House bill 3997.

Therefore, at the request of the chairman of the Committee on the District of Columbia, I shall ask unanimous consent that the House bill be taken up, with a view to its passage, in which event I shall ask unanimous consent that the Senate reconsider the vote by which Senate bill 1641 was passed, and that the Senate bill be indefinitely postponed.

Therefore, Mr. President, I now ask unanimous consent that the Senate proceed to the consideration of House bill 3997.

The VICE PRESIDENT. The bill will be read by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 3997) to amend the Code of the District of Columbia providing for the sale of fish of the shad or herring species, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 3997) was considered, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Without objection, the vote by which Senate bill

1641 was passed is reconsidered, and the bill is indefinitely postponed.

# EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to consider executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

# EXECUTIVE MESSAGE REFERRED

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting sundry nominations in the Army, which was referred to the Committee on Military Affairs.

(For nominations this day received, see the end of Senate proceedings.)

# EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BAILEY, from the Committee on Commerce:

Sundry employees for appointment and/or promotion in the Coast and Geodetic Survey.

By Mr. GEORGE, from the Committee on Finance:

Joseph D. Nunan, Jr., of Douglaston, N. Y., to be Commissioner of Internal Revenue, in place of Robert E. Hannegan, resigned; and Joseph T. Sylvester, of Portland, Maine, to be collector of customs for customs collection district No. 1, with headquarters at Portland, Maine. (Reappointment.)

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters; and Frederick G. Newell, to be postmaster at Niagara Falls, N. Y., in place of E. V. Canavan, deceased (reported adversely).

The VICE PRESIDENT. If there be no further reports of committees, the clerk will state the nominations on the calendar.

# THE JUDICIARY—SUPREME COURT OF PUERTO RICO

The legislative clerk read the nomination of Martin Travieso to be Chief Justice of the Supreme Court of Puerto Rico.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

# MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

The legislative clerk read the nomination of John P. McMahon to be associate judge of the municipal court for the District of Columbia.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. BARKLEY. I ask that the President be immediately notified of the confirmation of these two nominations.

The VICE PRESIDENT. Without objection, the President will be notified forthwith.

# POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc, and that the President be immediately notified.

The VICE PRESIDENT. Without objection, the nominations of postmasters

are confirmed; and, without objection, the President will be notified forthwith.

# STANDARD OF IDENTITY OF DRY-MILK SOLIDS

The Senate resumed the consideration of legislative business.

The VICE PRESIDENT. Under the unanimous-consent agreement, the unfinished business is House bill 149, the title of which will be stated.

The LEGISLATIVE CLERK. A bill (H. R. 149) to fix a reasonable definition and standard of identity of certain dry-milk solids was announced as next in order.

# LEGISLATIVE PROGRAM—RECESS TO MONDAY

Mr. BARKLEY. Mr. President, I have been asked by a number of Senators what the prospect is for legislation next week. The unfinished business will no doubt be disposed of within an hour or two on Monday. Barring the possibility of a veto message, which must go first to the House, and which, if the veto is sustained there, will not come to the Senate, I do not anticipate much legislation of importance next week. It may be possible for us to take a recess from Monday until Thursday, and from Thursday until the following Monday, depending upon contingencies which are not absolutely certain at this moment. However, on the whole, I believe that the program will not be heavy next week.

I now move that the Senate take a recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 32 minutes p. m.) the Senate took a recess until Monday, February 21, 1944, at 12 o'clock meridian.

# NOMINATIONS

Executive nominations received by the Senate February 17 (legislative day of February 7), 1944:

# PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

To be colonels with rank from February 1, 1944

Lt. Col. Edward Caswell Wallington, Chemical Warfare Service (temporary colonel).

Lt. Col. Carl Ernest Hocker, Coast Artillery Corps (temporary colonel), subject to examination required by law.

Lt. Col. John William Leonard, Infantry (temporary major general).

Lt. Col. Richmond Trumbull Gibson, Coast Artillery Corps (temporary colonel).

Lt. Col. John McDonald Thompson, Ordnance Department (temporary colonel).

Lt. Col. James Alward Van Fleet, Infantry (temporary colonel).

Lt. Col. Edward Gill Sherburne, Infantry (temporary colonel).

Lt. Col. Walter Wood Hess, Jr., Field Artillery (temporary brigadier general).

Lt. Col. Michael Frank Davis, Air Corps (temporary brigadier general).

Lt. Col. John Fuller Davis, Cavalry (temporary brigadier general).

# MEDICAL CORPS To be colonels

Lt. Col. Carl Randolph Mitchell, Medical Corps (temporary colonel), with rank from March 1, 1944.

Lt. Col. Michael Gerard Healy, Medical Corps (temporary colonel), with rank from March 3, 1944.



Lt. Col. Martin Fred DuFrenne, Medical Corps (temporary colonel), with rank from March 13, 1944.

Lt. Col. Philip Lewis Cook, Medical Corps (temporary colonel), with rank from March 18, 1944.

Lt. Col. Charles Fremont Snell, Medical Corps (temporary colonel), with rank from March 21, 1944.

*To be lieutenant colonels*

Maj. Howland Allan Gibson, Medical Corps (temporary colonel), with rank from March 1, 1944.

Maj. Edward John Kallus, Medical Corps, with rank from March 5, 1944, subject to examination required by law.

Maj. Otis Blaine Schreuder, Medical Corps (temporary colonel), with rank from March 29, 1944.

*To be major*

Capt. Robert Purcell Rea, Medical Corps (temporary lieutenant colonel), with rank from March 20, 1944.

*To be captains*

First Lt. Alf Torp Haerem, Medical Corps (temporary major), with rank from March 18, 1944, subject to examination required by law.

First Lt. Stanley David Burton, Medical Corps (temporary captain), with rank from March 20, 1944.

DENTAL CORPS

*To be colonel*

Lt. Col. Warren Charles Caldwell, Dental Corps (temporary colonel), with rank from March 12, 1944.

*To be lieutenant colonel*

Maj. James Melvin Epperly, Dental Corps (temporary colonel), with rank from March 8, 1944.

CHAPLAINS

*To be colonel*

Chaplain (Lt. Col.) Philip Francis Coholan, United States Army, with rank from March 7, 1944.

*To be captains*

Chaplain (First Lt.) Marvin Earl Utter, United States Army (temporary captain), with rank from January 31, 1944.

Chaplain (First Lt.) Loren Thomas Jenks, United States Army (temporary major), with rank from March 3, 1944.

Chaplain (First Lt.) Gervase George Sherwood, United States Army (temporary captain), with rank from March 3, 1944, subject to examination required by law.

Chaplain (First Lt.) Ralph Henry Pugh, United States Army (temporary captain), with rank from March 4, 1944.

Chaplain (First Lt.) James Clarke Griffin, United States Army (temporary major), with rank from March 12, 1944.

Chaplain (First Lt.) John Bartholomew Day, United States Army (temporary major), with rank from March 24, 1944.

Chaplain (First Lt.) Charles Edwin Brown, Jr., United States Army (temporary captain), with rank from March 27, 1944.

Chaplain (First Lt.) Steve Pettie Gaskins, Jr., United States Army (temporary captain), with rank from March 29, 1944.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 17 (legislative day of February 7), 1944:

THE JUDICIARY

SUPREME COURT OF PUERTO RICO

Martin Travieso to be Chief Justice of the Supreme Court of Puerto Rico.

MUNICIPAL COURT FOR THE DISTRICT OF COLUMBIA

John P. McMahon to be associate judge of the municipal court of the District of Columbia.

POSTMASTERS

ALABAMA

Irene E. Hodges, Ashville.

COLORADO

Edna A. Kennedy, Peetz.  
Alice J. Reed, Sanford.  
Merrill D. Harshman, Wiggins.

GEORGIA

Melcena Royal, Ambrose.  
Floyd L. Crawford, Appling.  
Billy S. Hickman, Colbert.  
Cleone M. Fincher, Culloden.

KENTUCKY

Mary M. Stahr, Hickman.

MASSACHUSETTS

Josephine M. Welsh, Sudbury.  
Elizabeth C. Kelley, Thorndike.

NORTH CAROLINA

Elizabeth P. Bailey, Advance.  
Lawrence G. Garvin, Avondale.  
Manning B. Mahafee, Caroleen.  
Albert K. Dickens, Castalia.  
Edelweiss Mishoe, Castle Hayne.  
Thomas G. Long, East Rockingham.  
Margueritte M. Wells, Henrietta.  
Zora Leah Thomas, Hiddenite.  
Ruth B. Hickey, Hiwassee Dam.  
Ruth R. Wyatt, Hobgood.  
Grace Pugh, Hudson.  
Carl P. Linn, Landis.  
Marion H. Current, Leicester.  
Margaret L. Bourk, Leland.  
Lossie S. Campbell, Lucama.  
Arthur Lee Nicholson, Macon.  
Annie F. Briscoe, Mill Spring.  
James R. Crutchfield, Moncure.  
Elma B. Harris, Mooresboro.  
Bessie C. Cox, Newton Grove.  
Samuel P. Covington, Pinnacle.  
Lawrence V. Signon, Rosman.  
Sue C. Worsham, Ruffin.  
McLain L. Furr, Stanfield.  
Hardee C. Butler, Tuxedo.  
Maggie S. Cooley, Wagram.  
Eva Walker, Walkertown.

PENNSYLVANIA

Emory C. Gardner, Hellam.

VERMONT

Harleigh A. Somers, Barnet.







production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$1,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

#### COMMITTEE SERVICE

Mr. WHITE. Mr. President, I send to the desk an order for which I ask immediate consideration. I may say to the Members of the Senate that the order proposes the filling of various vacancies by minority members. I have discussed the matter with the majority leader and I think he has no objection to it, and I believe there will be no objection to it from any other source.

The VICE PRESIDENT. The order will be read.

The order was read by the legislative clerk, considered by unanimous consent, and agreed to, as follows:

Ordered, That the Senator from Minnesota [Mr. SHIPSTEAD] be assigned to service on the Committee on Rules;

That the Senator from Vermont [Mr. AUSTIN] be relieved from further service on the Committee on the Judiciary and that he be assigned to service on the Committee on Foreign Relations;

That the Senator from Oregon [Mr. HOLMAN] be assigned to service on the Committee on Manufactures and the Committee on Rules;

That the Senator from New Hampshire [Mr. TOBEY] be assigned to service on the Committee on Territories and Insular Affairs;

That the Senator from Idaho [Mr. THOMAS] be relieved from further service on the Committee on Rules and that he be assigned to service on the Committee on Military Affairs;

That the Senator from Illinois [Mr. BROOKS] be relieved from further service on the Committee on Pensions and that he be assigned to service on the Committee on Naval Affairs;

That the Senator from Maine [Mr. BREWSTER] be relieved from further service on the Committee on Naval Affairs and that he be assigned to service on the Committee on Finance;

That the Senator from Ohio [Mr. BURTON] be assigned to service on the Committee on Pensions;

That the Senator from Minnesota [Mr. BALL] be relieved from further service on the Committee on Banking and Currency and that he be assigned to service on the Committee on Appropriations;

That the Senator from South Dakota [Mr. BUSHFIELD] be relieved from further service on the Committee on Post Offices and Post Roads and that he be assigned to service on the Committee on the Judiciary;

That the Senator from New Jersey [Mr. HAWKES] be relieved from further service on the Committee on Education and Labor and that he be assigned to service on the Committee on Banking and Currency; and

That the Senator from Massachusetts [Mr. WEEKS] be assigned to service on the following committees: District of Columbia, Education and Labor, Inter-oceanic Canals, Post Offices and Post Roads, and Public Buildings and Grounds.

#### ADDRESS BY SENATOR JOHNSON OF COLORADO IN BEHALF OF CANDIDACY OF CARL WUERTELE

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD a radio address delivered by him today in behalf of Maj. Carl Wuertele, Democratic

candidate for Congress in the First Colorado Congressional District, which appears in the Appendix.]

#### WASHINGTON AND OUR PRESENT DAY PROBLEMS—ADDRESS BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD an address entitled "Washington and Our Present-Day Problems," broadcast by him over Wisconsin radio stations, February 19, 1944, which appears in the Appendix.]

#### ADDRESS BY SENATOR GUFFEY TO POLISH-AMERICAN CITIZENS' LEAGUE

[Mr. GREEN asked and obtained leave to have printed in the RECORD the address delivered by Senator GUFFEY at the twenty-third annual banquet of the Polish-American Citizens' League of Pennsylvania, in Philadelphia on February 20, 1944, which appears in the Appendix.]

#### KEEP AMERICA FREE—ADDRESS BY SENATOR REYNOLDS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a radio address entitled "Keep America Free," delivered by him on February 17, 1944, which appears in the Appendix.]

#### STRATEGIC IMPORTANCE OF ALASKA AND WRANGELL ISLAND

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article entitled "A Little on Account," written by Frank C. Waldrop and published in the Washington Times-Herald of February 18, 1944, and Senate Resolution 123, requesting a report from the Secretary of State with regard to sovereignty over Wrangell Island, which appear in the Appendix.]

#### PRESTIGE OF THE UNITED STATES AND GREAT BRITAIN—ARTICLE BY WILLIAM PHILIP SIMMS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article entitled "Slipping Prestige," by William Philip Simms, which appears in the Appendix.]

#### TRIBUTE TO THE LATE SENATOR VAN NUYS BY H. C. CARLISLE

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a tribute to the late Senator Van Nuys by H. C. Carlisle, which appears in the Appendix.]

#### SUGAR RESEARCH FOUNDATION PROGRAM

[Mr. ANDREWS asked and obtained leave to have printed in the RECORD an article entitled "Sugar: The Unknown," relating to the program of the Sugar Research Foundation, written by Sydney B. Self and printed in the Wall Street Journal of February 1, 1944, which appears in the Appendix.]

#### GOV. JOHN W. BRICKER

[Mr. TAFT asked and obtained leave to have printed in the RECORD an editorial entitled "The Real Bricker," from the Detroit Free Press of February 12, 1944, and a portion of a broadcast by Fulton Lewis, Jr., on February 11, 1944, referring to Gov. John W. Bricker, of Ohio, which appear in the Appendix.]

#### FRANK T. HINES

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 872) to authorize the President to appoint Frank T. Hines a brigadier general in the Army of the United States.

Mr. HILL. Mr. President, I move that the Senate disagree to the amendments of the House; request a conference with

the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. REYNOLDS, Mr. HILL, and Mr. AUSTIN conferees on the part of the Senate.

#### STANDARD OF IDENTITY OF DRY-MILK SOLIDS

The Senate resumed the consideration of the bill (H. R. 149) to fix a reasonable definition and standard of identity of certain dry-milk solids.

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	George	O'Daniel
Andrews	Gerry	Overton
Austin	Gillette	Raddcliffe
Balley	Green	Revercomb
Bankhead	Guffey	Reynolds
Barkley	Hatch	Russell
Bilbo	Hayden	Shipstead
Bone	Hill	Smith
Bridges	Holman	Taft
Buck	Jackson	Thomas, Idaho
Bushfield	Johnson, Colo.	Thomas, Utah
Butler	La Follette	Tunnell
Byrd	McClellan	Tydings
Capper	McFarland	Vandenberg
Caraway	McKellar	Wallgren
Chavez	Maybank	Weeks
Clark, Idaho	Mead	Wherry
Clark, Mo.	Millikin	White
Connally	Moore	Wiley
Davis	Murdock	Willis
Eastland	Murray	Wilson
Ferguson	Nye	

Mr. HILL. Mr. President, I announce that the senior Senator from Virginia [Mr. GLASS] and the senior Senator from Wyoming [Mr. OMAHONEY] are detained by illness.

The Senator from California [Mr. DOWNEY], the Senator from Louisiana [Mr. ELLENDER], the Senator from Illinois [Mr. LUCAS], the Senator from Connecticut [Mr. MALONEY], the Senator from Florida [Mr. PEPPER], the Senator from Tennessee [Mr. STEWART], the Senator from Missouri [Mr. TRUMAN], the Senator from Massachusetts [Mr. WALSH], the Senator from West Virginia [Mr. KILGORE], the Senator from Oklahoma [Mr. THOMAS], the Senator from New York [Mr. WAGNER], the Senator from Montana [Mr. WHEELER], and the Senator from New Jersey [Mr. WALSH], are absent on public business.

The Senators from Nevada [Mr. McCARRAN and Mr. SCRUGHAM] are detained on official business.

Mr. WHITE. The Senator from Oregon [Mr. McNARY] is absent because of illness.

The junior Senator from North Dakota [Mr. LANGER] is absent on business of the Government.

The Senator from Minnesota [Mr. BALL], the Senator from Maine [Mr. BREWSTER], the Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. GURNEY], the Senator from New Jersey [Mr. HAWKES], the Senator from Kansas [Mr. REED], and the Senator from Wyoming [Mr. ROBERTSON] are necessarily absent.



The Senator from New Hampshire [Mr. TOBEY] is absent because of a death in his family.

The VICE PRESIDENT. Sixty-five Senators having answered to their names, a quorum is present.

Mr. CLARK of Missouri. Mr. President, the bill (H. R. 149) to fix a reasonable definition and standard of identity of certain dry milk solids is precisely what the title implies. It is not designed to fill the same place in the Federal Food, Drug, and Cosmetic Act for nonfat milk solids as is at present in the law supplied by the definition of butterfat solids as already set out in the law.

Under the definition proposed for the purposes of the Federal Food, Drug, and Cosmetic Act, nonfat dry milk solids, or defatted milk solids, would consist of the dried product of sweet milk of cows from which the cream has in whole, or in part, been removed. Such product shall not contain more than 5 percent of moisture nor over 1½ percent of fat unless otherwise indicated.

Under the Food, Drug, and Cosmetic Act as now administered, by Government compulsion, dry milk solids containing less than the whole of the butterfat of milk is required to be sold under the designation of "skim."

The word "skim" is a term which stigmatizes the product to which it is applied because it carries the impression of inferiority or worthlessness.

Every article of merchandise is sold on its reputation, its good or bad name. The compulsory application of this bad name to a good product is inaccurate, unfair, and retards the use of this very valuable food product by millions of consumers of the country. The purpose of this bill is to remove that stigma from a valuable and wholesome food.

Mr. President, the term "skim milk," although a term in common acceptance, does not accurately describe the product. It connotes inferiority, lack of wholesomeness. We all know that the term "skim milk" goes back to a period of 40 years and more ago when milk was actually separated with a skimmer because it was only way in which it could be separated. In those days skim milk was generally considered worthless, and in general practice was fed to the hogs. Since that time new and adequate machinery has been devised and come into general use for the separation of the butterfats of milk from the nonfat solids of milk, and it has been discovered and proved beyond the peradventure of a doubt by the highest scientific sources that nonfat milk is one of the most wholesome of foods, and supplies vitamins which indeed can be obtained from no other article.

In spite of that fact, the proportion of nonfat milk solids which are actually in use for human consumption has been very small in comparison with the amount of nonfat milk which is used for other purposes, such as feed for animals. This situation has to a very considerable extent been improved by the use of milk powders, and condensed milk, which has been sent abroad in enormous quantities to our armed forces and to the people whom we are feeding on the other side

of the globe, but the use of the term "skim milk" is and still remains a very considerable barrier to the most efficient use of this great reservoir of splendid, nutritious food for human consumption.

Mr. President, I do not think I could better state the case for the bill than is contained in a letter written to the House committee by Prof. E. V. McCollum, professor of biochemistry at the Johns Hopkins University, who is one of the most eminent authorities on nutrition in the world, and one of the discoverers of the theory of vitamins. Dr. McCollum, writing to Chairman LEA of the House Committee on Interstate and Foreign Commerce, said:

It is my hope that your committee will approve and Congress will pass H. R. 149 in order to do justice to an excellent food product.

The term, "dry skim milk," which is now the legal name for dry milk solids, is unfair and untrue; it means inferiority and I'll tell how that came about.

But first, let me say that this product, which we want legally to call dry milk solids is now recognized by all nutritionists as the most valuable part of milk. It is also our greatest undeveloped food resource. If its development had been encouraged instead of being held back by a bad name, and we now had twice or three times as much milk powder for overseas shipment, our present emergency food problem would be greatly simplified.

It is another case of short-sightedness—too little, too late.

The historical reason why "skim" is a bad name is this: People were taught years ago that only the cream or fat of milk was valuable. Besides, the skimming method was primitive; milk stood for hours without refrigeration to let the cream rise, it deteriorated, and often the skim milk was only fit for hog feed. Skim milk came to mean hog feed and still does in the minds of most people.

Dry milk solids or defatted milk solids today are made from sweet separated milk. This milk is cooled immediately after milking and taken to modern manufacturing plants by quick transport. There it is put through a mechanical cream separator, shot under the pressure to the drier and becomes powder within a few seconds. There has been no deterioration as in the old-fashioned skimming process. In a food so delicate as milk, this is of first importance.

In my research work in nutrition—

As I said, Mr. President, Dr. McCollum is one of the pioneers and great figures in the development of vitamins—

I have had much contact with food processors, particularly the baking industry. These bakers, before the Government took over, used 70 percent of the dry milk solids. In 1923 I spoke before a national convention of bakers and urged them to use dry milk solids in their bread. Since that time the use of the product in bakery goods greatly increased, because dry milk solids improves the loaf, enriches the bread. Yet bakers have learned not to tell their customers that they use what is legally called skim milk—they can't advertise that they enrich their bread.

Today the United States Government in its food distribution administration bakery order requires "all white bread shall be enriched, shall contain not less than 3 parts nor more than 4 parts of solids of milk or skim milk to 100 parts of flour \* \* \*."

How ridiculous to say "enriched" with "skim" milk; it is like saying black is white to the average consumer.

But when the order says, "enriched with solids of milk," that is different. The con-

sumer knows that "solids of milk" is good food.

How can the Government justify requiring this industry to live under the handicap of the word "skim" and at the same time, in its own bakery order, use the terms "solids of milk" and "skim milk" as meaning the same thing?

Some people contend that "dry milk solids" is not the whole truth, since most of the fat is taken out. However, the industry for years has used the term "powdered whole milk" to designate "whole milk powder." I'm sure that "dry milk solids" is much closer to the truth than is the term "dry skim milk." If desired, "dry milk solids" might be modified by adding the words "not over 1½ percent fat." Or the words, "defatted milk solids" could be used. Nobody can claim that this is overstatement, for some fat does remain in the product. To those word purists who contend that "defatted" is not true because some fat does remain, let me say: Nobody questions the words "dehydrated" or "dry," yet in all products put through a dehydrating or drying process some water does remain.

I hope that I have made myself clear that I believe this fine, nutritious product, one of our greatest food resources, deserves a good name such as "dry milk solids" or "defatted milk solids." I sincerely request your honorable committee, in the interest of building up our supply of human food, to approve this bill and recommend its passage by Congress.

Mr. President, I have before me statements by a number of other authorities. I may say that the House committee held hearings for 5 days on the bill, and that practically the only opposition, aside from that which came from one or two very minor organizations or groups, came from Mr. Campbell, of the Food and Drug Administration.

Mr. OVERTON. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. McFARLAND in the chair). Does the Senator from Missouri yield to the Senator from Louisiana?

Mr. CLARK of Missouri. I am glad to yield.

Mr. OVERTON. Let me inquire whether any consumers' groups appeared in opposition to the bill?

Mr. CLARK of Missouri. I understand that some small consumers' groups did.

Mr. President, I ask unanimous consent to have inserted at this point in the RECORD, as a part of my remarks, a list of organizations endorsing the bill, as appears on pages 144, 145, and 146 of the House hearings. The list includes the names of general agricultural associations, organizations, and societies; dairy organizations and associations; educators and public officials; various farmers', dairy, public health, and consumers' publications; consumers' associations and consumers.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ENDORSEMENTS OF H. R. 7002, SEVENTY-SEVENTH CONGRESS, AND H. R. 149, SEVENTY-EIGHTH CONGRESS

GENERAL AGRICULTURAL ASSOCIATIONS AND DAIRY ASSOCIATIONS

Alabama Dairy Products Association, Birmingham, Ala.

American Dairy Association of Indiana, Indianapolis, Ind.

California Dairy Council, San Francisco.

Georgia Dairy Association.



Indiana Farm Bureau, Inc., Indianapolis, Ind.  
 Indiana Manufacturers of Dairy Products.  
 Indiana Milk and Cream Improvement Association, Indianapolis, Ind.  
 Indiana Milk Control Board, Indianapolis, Ind.  
 Kentucky Farm Bureau Federation, St. Matthews, Ky.  
 Minnesota Creamery Operators' and Manufacturers' Association, Minneapolis, Minn.  
 Minnesota Farm Bureau Federation, St. Paul, Minn.  
 National Association of Local Creameries, St. Paul, Minn.  
 North Carolina Dairy Products Association.  
 President, National Dairy Council, Chicago, Ill.

#### EDUCATORS AND PUBLIC OFFICIALS

Abbott, Ouida Davis, head, department of home economics research, University of Florida.  
 Combs, W. B., professor of dairy husbandry, University of Minnesota.  
 Ellington, E. V., vice dean, College of Agriculture, State College of Washington.  
 Fairbanks, B. W., division of animal husbandry, University of Illinois.  
 Henderson, H. B., head, dairy department, University of Georgia.  
 Iverson, C. A., head, department of dairy industry, Iowa State College.  
 Levertson, Ruth M., department of home economics, University of Nebraska.  
 Nelson, P. Mabel, department of foods and nutrition, Iowa State College.  
 Pfeifer, E., Wisconsin State Department of Agriculture, Madison, Wis.  
 Roadhouse, C. L., professor of dairy industry, University of California, Davis.  
 Roberts, Lydia J., chairman, department of home economics, University of Chicago.  
 Renner, Kenneth M., head, department of dairy manufacturers, Texas Technological College.  
 Scott, W. Kerr, commissioner of agriculture, North Carolina Department of Agriculture.  
 Schricker, Henry F., Governor, State of Indiana.  
 Shepardson, Charles N., head, department of dairy husbandry, Texas Agricultural and Mechanical College.  
 Steggerda, F. R., department of physiology, University of Illinois.  
 Swanton, Milo, Wisconsin Council of Agriculture, Madison, Wis.  
 Townsend, M. C., Food Distribution Administration, Washington, D. C.  
 Trovatten, R. A., commissioner, department of agriculture, dairy, and food, St. Paul, Minn.

#### PUBLICATIONS

The Arcata Union, Arcata, Calif.  
 The American Journal of Public Health.  
 Capper Publications, Inc., Topeka, Kans.  
 Capper-Harmon-Slocum, Cleveland, Ohio.  
 The Dairy Record, St. Paul, Minn.  
 The Examiner, Los Angeles, Calif.  
 The Farmer, St. Paul, Minn.  
 The Farm Journal and Farmer's Wife, Philadelphia, Pa.  
 The Ferndale Enterprise, Ferndale, Calif.  
 The Fresno Bee, Fresno, Calif.  
 The Humboldt Times, Eureka, Calif.  
 The Michigan Farmer, Detroit, Mich.  
 Milk Plant Monthly, Chicago, Ill.  
 The Modesto Bee, Modesto, Calif.  
 Northwest Farm News.  
 The Oakland Tribune, Oakland, Calif.  
 The Pacific Dairy Review, San Francisco, Calif.  
 The Pacific Rural Press.  
 The Pennsylvania Farmer, Harrisburg, Pa.  
 The Phoenix Gazette, Phoenix, Ariz.  
 The Press Democrat, Santa Rosa, Calif.  
 The Sacramento Bee, Sacramento, Calif.  
 San Francisco Examiner, San Francisco, Calif.

Southern Dairy Products Journal.  
 The Times, Eureka, Calif.

#### CONSUMER ASSOCIATIONS AND CONSUMERS

American Bakers Association, Chicago, Ill.  
 American Bakeries Co., Atlanta, Ga.  
 American Bread Co.  
 American Institute of Baking, New York, N. Y.  
 American Medical Association.  
 Atlanta Association of Better Restaurants, Atlanta, Ga.  
 Braun Baking Co., Pittsburgh, Pa.  
 Capital Bakers, Inc., Harrisburg, Pa.  
 Cobb's Sunlit Bakery, Green Bay, Wis.  
 Columbia Baking Co., Atlanta, Ga.  
 Cos Cob Parent-Teacher Association, Cos Cob, Conn.  
 Frances F. Freeman (Mrs. W. R.), Indianapolis, Ind.  
 Mrs. M. R. Friend, 5000 East End Avenue, Chicago, Ill.  
 Georgia Bakers Council.  
 Georgia Hotel Association.  
 Grocers Baking Co., Lexington, Ky.  
 Meta Given, home economics specialists, Chicago, Ill.  
 Illinois Federation of Women's Clubs, American home department.  
 International Association of Ice Cream Manufacturers, Washington, D. C.  
 Interstate Bakeries Corporation.  
 Illinois Federation of Women's Clubs, Park Ridge School for Girls, Polo, Ill.  
 Virgil W. Jorgensen, Laurel Brook Farm, Sonoma, Calif.  
 Junge Baking Co., Joplin, Mo.  
 Langendorf United Bakeries, Inc., San Francisco, Calif.  
 The W. E. Long Co., Chicago, Ill.  
 Markwardt's Quality Bakery, Joplin, Mo.  
 Nashville Chamber of Commerce, Nashville, Tenn.  
 National Cotton Council of America, Fort Worth, Tex.  
 New England Bakers Association, Boston, Mass.  
 New Harmony project, Indiana Commission.  
 Newman Chamber of Commerce, Newman, Calif.  
 Pennsylvania Bakers Association, Philadelphia, Pa.  
 P. S. Peterson Baking Co., Omaha, Nebr.  
 C. R. Phillips, president, La Salle National Bank, Chicago, Ill., dairyman.  
 Quality Bakers of America, New York, N. Y.  
 Railway Business Association, Chicago, Ill.  
 Southern Association of Ice Cream Manufacturers, Nashville, Tenn.  
 Southern States Industrial Council, Nashville, Tenn.  
 Southern Wholesale Confectioners Association, Inc.  
 Sweetheart Bakeries, Mexico, Mo.

#### MANUFACTURERS

Abbotts Dairies, Inc., Cameron, Wis.  
 Armour Creameries, Louisville, Ky.  
 Barron Cooperative Creamery, Barron, Wis.  
 Beatrice Creamery Co., Snow & Palmer Division, Bloomington, Ill.  
 Bowman Dairy Co., Chicago, Ill.  
 Brooklawn Creamery Co., Salt Lake City, Utah.  
 Chestnut Farms-Chevy Chase Dairy, Washington, D. C.  
 Consolidated Dairy Products Co., Seattle, Wash.  
 Chautauqua Malted Milk Co., Mayville, N. Y.  
 Dairymen's Cooperative Creamery of Boise Valley, Caldwell, Idaho.  
 Des Moines Cooperative Dairy, Des Moines, Iowa.  
 Dried Milk Products Cooperative Eau Claire, Wis.  
 Dry Milk Producers' Sales Agency, Chicago, Ill.  
 Oscar Ewing, Inc., Louisville, Ky.  
 Ewing-Von Allmen Dairy Co., Louisville, Ky.  
 Grand Ledge Milk Co., Grand Ledge, Mich.

Golden Valley Creamery, Newman, Calif.  
 Hershey Creamery Co., Harrisburg, Pa.  
 Ladysmith Milk Producers' Cooperative Association, Ladysmith, Wis.  
 Land O'Lakes Creameries, Inc., Minneapolis, Minn.  
 Lansing Dairy Co., Lansing, Mich.  
 Milk Producers Association of Central California, Modesto, Calif.  
 Murray Milk Products Co., Murray, Ky.  
 Pabst Farms, Oconomowoc, Wis.  
 Page Milk Co., Shelbyville, Ind.  
 Pearl Creamery Co., Pullman, Mich.  
 Frank Pilley & Sons, Inc., Sioux City, Iowa.  
 Richland Cooperative Creamery Co., Inc., Richland Center, Wis.  
 Rochester Dairy Cooperative, Rochester, Minn.  
 Skagit County Dairymen's Association, Burlington, Wash.  
 Sunnyland Dairy Products Co., Ruston, La.  
 Sunshine Farms, Inc., Lafayette, Ind.  
 Supplee-Wills-Jones Milk Co., Philadelphia, Pa.  
 Twin City Milk Producers Association, St. Paul, Minn.  
 Twin Ports Cooperative Dairy Association, Inc., Superior, Wis.  
 Tennessee Dairies, Inc., Dallas, Tex.  
 Upper Snake River Valley Dairymen's Association, Idaho Falls, Idaho.  
 Verifine Dairy Products Co., Sheboygan, Wis.  
 Weber Central Dairy Association, Inc., Ogden, Utah.  
 Whatcom County Dairymen's Association, Bellingham, Wash.

Mr. CLARK of Missouri. Mr. President, as I have said, I have before me the statements of a number of other authorities. The testimony on the bill has been very full and complete. I do not desire to detain the Senate at this time by reading all the authorities, although I may recur to them later, after the Senator from Louisiana [Mr. OVERTON] shall have spoken. I simply desire to call attention to the fact, before I take my seat, that Mr. McNutt, the Administrator of the Federal Security Agency, of which the Food and Drug Administration is a part, appeared before the House Committee on Interstate and Foreign Commerce and said he saw no objection whatever to the definition of defatted milk solids in such a way as this, but he thought it should be done by law, in the same way that the definition of butter has already been provided by law. That did not seem to meet with the approval of Mr. McNutt's subordinate, Mr. Campbell, who since that time has been conducting a systematic lobby in opposition to the bill.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. CLARK of Missouri. I yield.

Mr. JOHNSON of Colorado. I understand that the following States have written regulations authorizing the use of the term "dry milk solids": Minnesota, Michigan, Illinois, Utah, Washington, Connecticut, and Rhode Island. I understand, furthermore, that no State has opposed the use of the term.

Mr. CLARK of Missouri. I thank the Senator, and I think the Senator's statement is absolutely correct.

Mr. President, that is all I care to say about this matter at this time.

Mr. OVERTON. Mr. President, when this bill was before the Senate Committee on Commerce, I conducted a one-man opposition to it. The probability is that



I shall conduct a one-man opposition to it on the floor of the Senate. But if only one vote is cast against the bill, it will be mine. I am opposed to the enactment of the bill, Mr. President, because it runs counter to a sound policy of our Government, a policy which was inaugurated in 1906, and which has not been deviated from to the present day. In the Pure Food, Drug, and Cosmetic Act it has been provided that all foods shall be designated by their usual and ordinary names, and that this requirement that foods shall be called by their ordinary names is not in the interest of the manufacturer, but is in the interest of the consumer. It is so declared in the act.

I am further opposed to the bill because when we enacted the Pure Food and Drug Act we set down certain principles and rules by which and under which the act was to be administered, and the administration of the act was conferred upon the Pure Food and Drug Administration. We left the administration of the law to the Pure Food and Drug Administration. In order to prevent any arbitrary action by the Food Administrator we provided for an appeal to the courts from any decision made by the Food Administrator.

There is a history back of this particular bill. Some of the manufacturers of dry skim milk or powdered skim milk or skim-milk powder, as it is commonly designated, appeared before the Pure Food Administration and requested that the name be changed from the designation by which it is commonly known, and that it be given the name of dry milk solids. A hearing was had before the Pure Food and Drug Administration. After testimony pro and con had been received, the Pure Food Administrator came to the conclusion that the ordinary, usual, and common name by which this product is known is dry skim milk or powdered skim milk or skim-milk powder, and so he held. That was several years ago.

The proponents of the bill—these manufacturers—took an appeal, under the law, to the Eighth Circuit Court of Appeals, sitting in Washington.

The Eighth Circuit Court of Appeals rendered a decision sustaining the views of the Pure Food Administrator. This is what the court held:

The Administrator was not required to hold it impracticable, for regulation purposes, to use what the evidence sufficiently showed to be the common or usual name of a product among ultimate consumers, merely because such a designation might not be as conducive to sales by producers as some term of commercial coinage and glossing. The Administrator's obligation under the statute was simply the promotion of honesty and fair dealing in the interest of consumers. While he would have no right to adopt a designation for the purpose of destroying trade in a legitimate food product, there could ordinarily be no arbitrariness involved in using the common or usual name of such a product for regulation purposes.

That is the decision rendered in *Twin Milk Producers Co. against McNutt*, reported in *One Hundred and Twenty-two Federal Reporter*—second—page 568.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. CLARK of Missouri. I do not wish to interrupt the thread of the Senator's argument. I should like to know if the Senator thinks there is anything in that decision which goes to the merits of the bill. If we admit, for the purpose of the argument, that the Pure Food and Drug Administration had authority to make the decision it made in that case, does that have anything to do with the power of Congress to change a definition and promulgate a new definition which is exactly in line with the definition of butter? I do not understand that the court was passing on that question.

Mr. OVERTON. The purpose of referring to the decision was simply this: When we enacted the Pure Food and Drug Act we provided that the designation to be given to food should be a matter of administration. We provided that the Administrator should be governed by the cardinal rule, which we declared to be in the interest of consumers, that foods should be designated by their common and usual names, in order that those who buy may know what they are buying, and those who use the product may know what they are using.

To prevent any arbitrary decision by the Administrator we said that any manufacturer or anyone else who is opposed to the decision of the Administrator shall have the right of appeal to the courts; and there we left it. It is not a legislative matter. It is an administrative matter. According to the solemn pronouncements of Congress. I do not question that Congress may alter the policy at any time, as is sought to be done by this bill. Instead of calling the product by its usual name, with which every one is familiar—skim milk—it is sought to give it some "hifalutin" name with which very few purchasers and very few users are familiar. They would not know what they were getting if it were called by that name.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. AIKEN. Does not the Senator know that Government agencies are now referring to this product as "nonfat milk solids"?

Mr. OVERTON. No; I do not.

Mr. AIKEN. They certainly are. I have sent to my office for some of the releases which have been issued within the past 3 weeks, referring to the product as "nonfat milk solids."

Mr. OVERTON. The products must be sold under the label of "powdered skim milk," or "dry skim milk," or "skim milk powder." They may not be designated by any other name when sold. As a matter of description, they may be called nonfattening, and some agencies of the Government may use that term.

Mr. AIKEN. Some agencies of the Government are doing so.

Mr. OVERTON. But if the Senator is undertaking to say that the legal name for skim milk is what it is called in the bill—defatted milk—the Senator is in error.

Mr. AIKEN. The Senator spoke of calling products by the names by which they are commonly known. It seems to me that the name which is commonly

used by agencies of the Government could well be considered, and should be considered, as the common name of the product. Certainly Government agencies refer to this product as "nonfat milk solids."

Mr. OVERTON. Mr. President, I venture the assertion, without fear of successful contradiction, that if one were to go from household to household throughout the United States and ask housewives, "What is a defatted milk solid?" or "What is a nonfat milk solid?" 99 out of 100 housewives would say they did not know. That is not the common and usual name by which skim milk is known. Skim milk is skim milk.

The other day, in order to test this theory, I resorted to two tests. I talked with a number of Senators who had not heard about the bill. I asked them, "What is a defatted milk solid?" Invariably the answer was that they did not know. They asked me. I said, "It is a nonfat milk solid." They then asked me, "What is a nonfat milk solid?" When I told them it was skim milk they understood what skim milk is.

I get my milk from Thompson's Dairy. Thompson's Dairy is advertised to be the oldest dairy in the city of Washington. Every morning at a quarter to eight I listen to the broadcast from that old reliable dairy. Mr. Claude Mahoney delivers a very interesting broadcast. I have been patronizing Thompson's Dairy for a number of years. I telephoned to the dairy and said, "Have you any defatted milk?" The answer was, "What are you talking about?" I said, "I am talking about nonfat milk. Have you any nonfat milk?" The answer was, "No." Then, after a moment's reflection, the person at the other end of the wire said, "Are you by any chance referring to skim milk?" I said, "That is exactly what I want. Do you sell it under the name of defatted milk?" The reply was, "No; we do not. We sell it under the name of skim milk." I asked, "Do you sell it under the name of nonfat milk?" The reply was, "No; we do not."

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. CLARK of Missouri. Using the Senator's own illustration, in the present state of the law, if they should undertake to sell it as "nonfat milk," Mr. Campbell would try to put them in jail.

Mr. OVERTON. Certainly. They did not know what "defatted milk" or "nonfat milk" was. I venture to say that 90 percent of the wives of Senators do not know what "nonfat milk" is.

Why single out for special consideration the particular group of manufacturers who manufacture dried skim milk or skim milk powder? If we are going to change the phraseology, if skim milk is such an opprobrious term that people will not utilize any product derived from it, why stop at skim milk powder? Why not go back to the very source of the product itself? Why not legislate that skim milk shall hereafter be known as "defatted milk" or "nonfat milk"? Yet when we order skim milk from our dairymen today we order skim milk. We do not order "defatted milk." When they



send it to us they send it in a bottle labeled "skim milk." If there were any force in the argument that "skim milk" ought to be changed to this peculiar phraseology, the purpose of which is to hide the fact that it is skim milk, why not apply it to fluid skim milk, and say that fluid skim milk shall be known as "defatted milk" or "nonfat milk"? I will reach that subject a little later. I intend to offer an amendment which will cover not only this product, which is comparatively so little used, but various other skim-milk products. I shall have an amendment to propose along that line, and I hope it will be accepted if we are to pass this bill. I shall also have some other amendments to offer.

Mr. President, I was about to make the observation that the bill is contrary to the policy and provisions of our law.

Back in 1906 Dr. Wiley, who was a pioneer in pure food legislation, became the author of the 1906 act. One of the cardinal principles which he insisted upon, and which was incorporated in the act, was that foods should be known, designated, and sold under their common and usual names. In 1933 the late Senator Royal S. Copeland, one of the ablest Senators who ever graced this body, one of the finest men I ever knew, and who was not only a splendid Senator but also an eminent physician and health officer of vast experience, introduced a bill amendatory of the Pure Food and Drugs Act. I served on the subcommittee of the committee to which the bill was referred. It was insisted that this principle should not only be retained in the new law, but emphasized and reiterated in different ways in different parts of the law.

The pure food and drug law was not enacted in the interest of the manufacturers, or in order that manufacturers might more readily dispose of their wares and their products. Pure food laws were enacted in the interest of the consumer and in order to protect the consumer. One of the best ways to protect the consumer is to provide that when buying a product he may know what he is buying, when he buys food he may know what he is buying, and that he may know it by the designation of the name by which it is known.

Ever since there has been such a thing as skim milk it has been known as skim milk.

The Federal Food, Drug, and Cosmetic Act provides—

Whenever in the judgment of the Administrator such action will promote honesty and fair dealing—

In the interest of what?  
in the interest of consumers—

Not in the interest of manufacturers, not in the interest of wholesalers, not in the interest of retailers, but in the interest of consumers—

he shall promulgate regulations fixing and establishing for any food, under its common or usual name so far as practicable, a reasonable definition and standard of identity, a reasonable standard of quality, and/or reasonable standards of fill of container.

That is what the act provides. The law was enacted in the interest of the

consumer, not in the interest of the dried milk manufacturer, the powdered milk manufacturer. Elsewhere the act further declares:

A food shall be deemed to be misbranded \* \* \* if its labeling is false or misleading in any particular.

Are we to be told that when anyone wishes to buy dried skim milk he must consult a dictionary in order to ascertain what the term "nonfat dry milk solids" means, or what the term "defatted milk solids" mean?

Mr. President, the very purpose of this bill is to brand the product so as to conceal what it is. That is evidenced by the fact that when the bill was first introduced the sponsors of it undertook to call the product "dry milk solids," the purpose of which was to mislead the public into believing it was buying whole milk which had been dried.

However, under pressure exerted during the House hearings the sponsors of the bill were finally willing to modify the peculiar nomenclature which they are attempting to give to this well-known product, and to substitute "nonfat" or "defatted" milk solids. I assume they will console themselves with the thought that when they advertise the product as defatted they will advertise it as "non-fattening." They will say, "By the use of this product, those who have an excessive avoirdupois, or too much embonpoint, will be benefited by the defattening influence of defatted milk solids."

The Pure Food and Drugs Act further provides that, where there is no representation as to definition and standard of identity, nevertheless, the common or usual name of the food must appear upon the label.

Mr. President, I think that was one of the soundest policies we could possibly have enacted in the interest of the consuming public—that a product should be known by its common and usual name.

The purpose of this bill is to mislead the public into the supposition that it is buying something other than skim milk. I make that assertion because the proponents of the bill contend, and the able Senator from Missouri in his opening argument has so stated, that there is a sales resistance to the opprobrious term "skim milk." They want to get around what they conceive to be a sales resistance, and therefore they wish to give the product a name which will mislead the public into supposing that it is not skim milk when, as a matter of fact, it is.

We all know what skim milk was originally. The cream was removed by the use of a ladle or a spoon. Later a mechanism known as a cream separator was developed by which the cream was separated from the rest of the milk content. However, in advertisements pertaining to these mechanical cream separators, the spout down which the skim milk flows after the separation has taken place is called the skim-milk spout, and the receptacle which receives it is designated as the skim milk bowl. The other spout is called the cream spout. I have no doubt that the Senator from Missouri will say that under the new process we no longer skim milk, but separate it. However, under the new mechanical

process for separating the milk the by-product on one side is known and classified as skim milk, and the remainder is cream.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. CLARK of Missouri. I do not know whether the Senator paid any attention to the observations of Dr. McCollum which I cited. However, Dr. McCollum pointed out that as between the old skimming process and the separating process there is a very great difference in the quality of the residue after the fat has been removed. In the old days it was necessary to allow milk to stand for several hours before skimming off the cream. Quite frequently the milk deteriorated because of varying temperatures. Under the modern method of separating the milk it is possible to separate it at the right temperature, and the residue of the milk, after the fat has been taken out, is perfectly preserved in every way.

Mr. OVERTON. Oh, Mr. President, that is pure sophistry. Milk can deteriorate at any time. It can deteriorate under either the old process or the modern process. If milk is kept for a long time, of course it will deteriorate. If skim milk is kept at the back door of delivery all day, it will deteriorate. It must be put into the refrigerator. I was reared on skim milk.

Mr. President, there is another ground upon which I object to the enactment of this bill. I regret that there are very few Senators here present. I started out with the observation that in all probability I was conducting a one-man opposition to it. The Senator from Missouri said something about strong pressure being brought to bear against the bill. The only pressure that has been sought to be exerted upon me, and I know upon a number of other Senators, is the pressure of the manufacturers of this particular skim-milk product. I have no doubt that they have interviewed every Senator; I know they have been at my office, knocking at my door time after time. They undertook to persuade me of the justice of their cause. But, Mr. President, if we once depart from the salutary rule that all food products shall be known by their common and usual names, that they shall be informatively labeled in order that the consuming public may know what they are buying and what they are eating—once we depart from that rule even in the interest of the dry skim-milk manufacturers, we will be establishing a dangerous precedent. When any of the manufacturers or producers are dissatisfied with the name, however common and however usual it may be, with which their product is labeled by the Pure Food Administration, which we entrusted with that power—whenever they are dissatisfied, they will come before the Congress of the United States for relief.

Why should the powdered skim-milk manufacturers, the representatives of only a very small portion of skim milk and its products, come before the Congress of the United States and undertake to have this provision of our law al-



tered and this policy departed from in their own interest in order, as they openly state, that they may break down sales resistance to a product known as skim milk?

I see the able Senator from South Carolina [Mr. SMITH] in his seat. He lives on a farm; he was reared on a farm; I have no doubt he has drunk gallons upon gallons of skim milk, and when he drank it it never occurred to him that he was consuming defatted milk or defatted milk solids. It is drunk and marketed as skim milk and is a valuable and nutritious product.

Instead of coming to Congress and undertaking to have the Congress—I use the word without any criticism—stultify itself by having a special act passed in their favor, these manufacturers should educate the people as to the benefits to be derived from the consumption of skim milk.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. MAYBANK. If the Senator from Louisiana will allow me, is it not true that the manufacturers of oleomargarine, and especially certain interests, do not have any desire that the name "oleomargarine" be changed, nor do they have any desire that it be used in any way unless the public is fully informed as to what it is?

Mr. OVERTON. The Senator is correct, and probably I shall have some amendments to the bill dealing with oleomargarine, because, once we depart from this salutary principle, we had just as well take a number of other steps now, so we can put ourselves on record as to what we are going to do about it.

Mr. SMITH. Mr. President—

Mr. OVERTON. I yield to the Senator from South Carolina.

Mr. SMITH. The Senator has referred to me as drinking skim milk. I want to inform him that I drank it because I got the butter that came from the whole milk, and was not rationed on it.

Mr. OVERTON. The Senator has done just what I did as a boy. I would skim the milk, drink the skim milk, and then take the cream and churn it, so that we would have butter for the table.

Mr. SMITH. Exactly.

Mr. OVERTON. Mr. President, I do not think the consumers throughout the United States want this bill enacted. The representatives of the National Congress of Parents and Teachers Associations are opposed to the enactment of the bill. The Federation of Women's Clubs of the United States are opposed to the enactment of the bill. Let me quote a statement made by the representative of the Federation of Women's Clubs. Mrs. Harvey W. Wiley, chairman of legislation, General Federation of Women's Clubs, testifying before the committee, said:

While the bill was being drafted the committee would not admit anything of which Dr. Wiley did not approve.

That was the bill of 1906.

One thing in which he believed, and had in mind all during his life, was that this was a consumers' measure; Congress had no idea of providing a law to protect the manufac-

turer, the producer, or distributor of food. They wanted to protect the consumers, and hence informative labeling is and was a cardinal principle of the original law of 1906.

And it is a cardinal principle of the Copeland pure food bill of 1938 which we had under consideration for 5 years and on which exhaustive hearings were held.

Mr. AIKEN. Mr. President—

Mr. OVERTON. I yield to the Senator from Vermont.

Mr. AIKEN. I simply want to ask the Senator from Louisiana whether Mrs. Wiley made the statement in behalf of the General Federation of Women's Clubs or whether she made it on her own behalf, for, as I understand, the General Federation of Women's Clubs does not take stands on questions such as this but undertakes to present both sides of a controversy. That is what prompts me to ask the question whether Mrs. Wiley was speaking for herself or for the Federation of Women's Clubs.

Mr. OVERTON. Her statement appears under the heading, "Statement of Mrs. Harvey W. Wiley, chairman of legislation, General Federation of Women's Clubs," and she starts off by saying:

Mrs. WILEY. Mr. Chairman, I am one of the group of women who, in 1906, more than any other group, stood behind and helped pass the Pure Food and Drug Act of 1906.

Then she goes on to make this statement which I just quoted. Following that she said:

The General Federation would oppose this bill, H. R. 7002, because it would mislead the consumer when buying dry skim milk into believing that she was buying dry whole milk. The upholding of a cardinal principle of the Pure Food Act is more important than that the producers of dry skim milk should find a better market for their product.

Mr. AIKEN. I do not get anything from that statement which would indicate that the Federation of Women's Clubs had taken any action on the question.

Mr. OVERTON. I agree with the Senator, there is nothing either one way or the other on it, so far as her testimony is concerned.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. CLARK of Missouri. In the second paragraph of Mrs. Wiley's testimony she disavows any authority to speak for the Federation of Women's Clubs. She says:

The General Federation of Women's Clubs has a rule that resolutions can only be passed at its annual conventions. There are about 90 active resolutions now before the General Federation.

Mr. OVERTON. From what page is the Senator reading?

Mr. CLARK of Missouri. From page 204.

Mr. OVERTON. I was reading from page 55.

Mr. CLARK of Missouri. Mrs. Wiley said, as appears on page 204 of the hearings before the House committee:

There are about 90 active resolutions now before the general federation. While it is true that there is no active resolution at the

present moment covering this actual bill, H. R. 149, I speak because back in 1906, Dr. Wiley paid tribute to the General Federation of Women's Clubs as one of the organizations which helped pass the original pure food law of that year.

So that Mrs. Wiley specifically disavowed any authority to speak for the General Federation of Women's Clubs, and I call the Senator's attention to the fact that among those who have endorsed the bill, as I presented the list here a while ago, is the General Federation of Women's Clubs.

Mr. AIKEN. Mr. President—

Mr. OVERTON. Let me take the Senators one at a time. They are crowding me, and crowding me fast. [Laughter.]

I think the Senator from Missouri will agree with me that Mrs. Wiley is outstanding, not only as the representative of the Federation of Women's Clubs, but that she is an outstanding American. Mrs. Wiley is the widow of one of the ablest men who ever served the Federal Government in any capacity. I do not think there is any disagreement on that.

Mr. AIKEN. I do not think any of us disagrees with the Senator's statement regarding the qualities of Mrs. Wiley. However, she was making reference to what occurred back in 1906, when the general public knew absolutely nothing about vitamins B, C, and D, which were later found to be present in skim milk, and other qualities which have also been found to be present in skim milk. I think we should consider this from the standpoint of what is known of the value of skim milk at the present day, rather than insist on going back and referring to skim milk as it was known 40 years and more ago.

Mr. OVERTON. Skim milk is known today for just what it is. When one buys skim milk from his dairyman, he knows it is separated milk. The ordinary householder knows what skim milk is. Skim milk, or separated milk, if Senators wish to call it that, is milk from which the cream has been in large part removed.

I now refer to the testimony of Mrs. Henry R. Atkinson, representing the National Congress of Parents and Teachers, an organization, according to Mrs. Atkinson, "having nearly 3,000,000 paid memberships." Mrs. Atkinson has something to say about this question. She states:

Mr. Chairman, my name is Mrs. Henry R. Atkinson, and I represent the National Congress of Parents and Teachers, an organization having nearly 3,000,000 paid memberships.

That is a rather respectable organization, one having 3,000,000 memberships.

We have more than 28,000 local associations in 48 States, Alaska, Hawaii, and the District of Columbia.

I shall make a brief quotation from what Mrs. Atkinson had to say:

We endorse everything that Dr. Wilder and the other witnesses for the industry have told this committee about its merits—

That is, the merits of skim milk—and we are perfectly willing to use the product. The point is that when we use it we want to know we are using it. We do not want to think we are using whole milk.



I have no doubt that when this product is sold as defatted milk solids, the impression would be, the impression probably sought to be created, that it is whole milk, because the desire is to get away from skim milk, and the opprobrium which attaches to skim milk, according to the proponents' own statements. I do not think they will be able to do it.

Mr. President, there are only about six Senators present. Will I lose the floor if I suggest the absence of a quorum?

The PRESIDING OFFICER. Not unless some Senator makes the point.

Mr. OVERTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Aiken	George	O'Daniel
Andrews	Gerry	Overton
Austin	Gillette	Radcliffe
Bailey	Green	Revercomb
Bankhead	Guffey	Reynolds
Barkley	Hatch	Russell
Bilbo	Hayden	Shipstead
Bone	Hill	Smith
Bridges	Holman	Taft
Buck	Jackson	Thomas, Idaho
Bushfield	Johnson, Colo.	Thomas, Utah
Butler	La Follette	Tunnell
Byrd	McClellan	Tydings
Capper	McFarland	Vandenberg
Caraway	McKellar	Wallgren
Chavez	Maybank	Weeks
Clark, Idaho	Mead	Wherry
Clark Mo.	Millikin	White
Connally	Moore	Wiley
Davis	Murdock	Willis
Eastland	Murray	Wilson
Ferguson	Nye	

The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum is present.

Mr. OVERTON. Mr. President, at the time when the absence of a quorum was suggested, I was making the observation that the manufacturers of powdered skim milk hope to be able to sell their product by giving it a different name, so that the purchasing and consuming public will not know what they are buying and consuming. The manufacturers hope to get away from the use of the name "skim milk," and hope to be able to sell the product under a name which, although I cannot describe it as euphorious, certainly is quite unique and bizarre—the name of "defatted milk solids."

In the majority report the statement is made:

The word "skim" is a term which stigmatizes the product to which it is applied because it carries the impression of inferiority or worthlessness.

Again it is said:

It is difficult for a good product to sell under a bad name.

Mr. President, in order to remove the so-called stigma which, it is contended attaches to the name "skim milk," it is proposed to give the product the extraordinary and "hifalutin" name of "defatted milk solids." However, I think the manufacturers and distributors of this product will find that they have not accomplished their purpose; because certainly when they offer on the market "nonfat milk solids," the consumers will want to know what they are buying,

and the best explanation—in fact, the only one—which can be given to the consumers is that they are buying a skim-milk product. Then the consumers will understand. Therefore, the so-called opprobrium which attaches to the name "skim milk" will follow the "defatted milk solids" designation.

It is said that "skim milk" is a term of opprobrium because skim milk is fed to hogs. That is quite true. But other products which are fed to hogs are consumed by man. Corn is fed to hogs, but also is eaten by man. But there is no sales resistance to corn, when it is attempted to be sold for human consumption, merely because it is also fed to horses or hogs. Potatoes are also fed to hogs; but there is no sales resistance on the part of humans to sweetpotatoes or white potatoes because they are fed to hogs. All the refuse of the kitchen and all the scraps taken off the dining table are fed to hogs. Practically everything that goes into daily human consumption is also fed to hogs, but that is no reason why we should not consume health-giving food—merely because hogs or horses also consume a like food.

However that may be, if the members of the public ever make any inquiry at all, as they probably will, as to what they are buying when they are offered "dried milk solids," they will find out it is their old, nutritious friend "skim milk products".

This bill comes before the Congress with an adverse report by the Food and Drug Administration and by the Federal Security Administration. Mr. McNutt, in submitting his report, said, among other things:

An important feature of the Food, Drug, and Cosmetic Act which has proved of great value to consumers is its requirement of informative labeling of food and drug products.

That is the underlying principle—that the labeling should be informative; it should let the purchaser know what it is he is buying.

I continue to read from Mr. McNutt's letter:

To insure that consumers will be neither misled nor confused by the names employed on labels, the act requires that labels of foods and drugs bear their "common or usual" names, and the "common or usual" names of ingredients. Although in the present case it has been found that milk from which the milk fat has been separated and moisture removed is commonly known as dried skim milk, powdered skim milk, or skim-milk powder, H. R. 7002—

That was the old bill, not the present one—

seeks a designation of this food as dry milk solids or defatted milk solids. At best these proposed names are confusing; at worst, thoroughly deceptive.

Dried skim milk is a valuable food, but it should be sold for what it is.

Mr. BUSHFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Louisiana yield to the Senator from South Dakota?

Mr. OVERTON. I yield.

Mr. BUSHFIELD. The Senator is talking about skim milk. When he and

I were boys, cream was taken from milk by skimming it off the top of the milk. Today there is no such thing as whole milk. It is all separated milk. So is not the term "skim milk" a misnomer in itself?

Mr. OVERTON. What is the difference in the product?

Mr. BUSHFIELD. There is no difference in the product. But we used to let the milk stand until the cream rose to the top, and then the cream was skimmed off. But today it is no longer skimmed but separated.

Mr. OVERTON. That is correct; and today separated milk is skim milk.

Mr. BUSHFIELD. No; it is separated milk.

Mr. OVERTON. Why not let it be called that today?

Mr. BUSHFIELD. That is what it is called in my State.

Mr. OVERTON. It is not so denominated in the pending bill.

Mr. President, I read further from Mr. McNutt's letter:

No good is to be accomplished by so changing the definition and standard as to create the impression that the product in question is not a skim-milk product. Even if this should accelerate sales temporarily, it is probable that producers and marketers would find in time that the consuming public has discovered the product's mislabeling and reacted accordingly.

Since enactment of the bill would weaken the consumer protective features of the food and drug law and would create a wholly undesirable precedent, I recommend that it not be enacted.

This Agency is advised by the Bureau of the Budget that there would be no objection to the submission of this report to your committee, as it is not believed that this legislation could be considered as being in accord with the program of the President.

Mr. President, this bill is unquestionably in the interest of an isolated group of manufacturers, and is contrary to the unmistakable provisions of the Pure Food and Drugs Act. If we are going to legislate that way, and take the administration of the Pure Food and Drugs Act from the authority where we lodged it, if we find that the use of the term "powdered skim milk" is the use of a bad name, and we ought to change it to "nonfat milk" or "defatted milk," why do we stop at powdered skim milk or dried skim milk? Very little of that is consumed directly. It is used principally by bakers and packers of meat. They know what it is. They will probably know what dry milk solids are, just as they know what skim milk and powdered skim milk are. But if we really wish to be benefactors of humanity in this legislation, why not go through the whole category of skim milk? Why should the opprobrium of skim milk attach to fluid milk, which all of us buy directly and use on our tables? Under the law it must be labeled skim milk. If we order skim milk, we find that it is labeled "skim milk."

Mr. President, I wish to propose an amendment to the bill in order to carry out the philosophy and the logic of the proponents of the powdered skim-milk bill. Let me read the amendment which I propose to offer:



For the purposes of said Federal Food, Drug, and Cosmetic Act, skim milk shall be labeled and renamed as "nonfat milk" or "defatted milk."

I wish to protect the direct consumer. I wish to protect the family of the Senator from Pennsylvania [Mr. DAVIS] and the family of the Senator from Georgia [Mr. GEORGE]. I wish to provide that when we order skim milk, we may no longer order it by the name "skim milk," because that is an opprobrious term. We should order it in the name of this new designation, and it should not be permitted to be sold as skim milk. It should be sold as "nonfat milk," or "defatted milk." If the Senator from Missouri is correct in his statement, and if the majority report is correct, do not Senators think it would be infinitely better to go to the very source of supply; namely, fluid milk? All powdered skim milk is made from fluid skim milk. At the very source of this terrific abuse upon the consuming public, let us change the name and call it "defatted milk" or "nonfat milk." Then we shall be legislating logically. Then, according to the contention of the proponents of the bill, we shall be legislating wisely.

As I have stated, powdered skim milk is not the only manufactured product of skim milk. What are we to do with evaporated skim milk? Are we still going to require that evaporated skim milk be designated as "evaporated skim milk"? Perish the thought! We should at once change the name, if the contentions of those on the other side are correct, from "evaporated skim milk" to "nonfat evaporated milk" or "defatted evaporated milk." What are we to do about concentrated skim milk? That is a product which is sold on the market. It goes directly into consumption in the household. Are we to allow that abuse to continue under pure-food labels? Or should we not correct it and provide that concentrated skim milk shall be relabeled and named "nonfat concentrated milk" or "defatted concentrated milk"?

Then there is our old friend condensed skim milk. Are we going to let that be called "skim milk"? Horrors! That will never do. We must change the name, as it is proposed to do for the manufacturers of powdered skim milk. We must take care of their brothers in manufacture and call condensed skim milk "nonfat condensed milk" or "defatted condensed milk."

There may be some other skim-milk products which are sold. These are the only ones which occur to me. If the philosophy of this bill is to be adopted, and if we are to legislate administratively, and take the whole thing out of the hands of the Pure Food Administration and proceed to give our own nomenclature to foods which are laboring under perhaps more or less distasteful or opprobrious names, we should go still further.

For example, take the product known as oleomargarine. There is not a product on the market which suffers more under an adverse name than does oleomargarine. Year after year on the floor of the Senate that product is berated when revenue bills are brought up for

consideration, and taxes are imposed upon it. State legislatures impose taxes on oleomargarine which are not imposed upon butter.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. OVERTON. I yield.

Mr. CLARK of Missouri. I invite the attention of the Senator to the fact that the name "oleomargarine" was adopted by the oleomargarine manufacturers themselves. If the Senator would like to adopt a name for oleomargarine which actually describes the contents of oleomargarine, as a vegetable, nonbutter preparation, I am satisfied that everyone who is interested in dairy products would be glad to go along with him. If the Senator will devise a definition which accurately describes oleomargarine for what it is, I am sure that I will have no objection to it, and I do not think any other Senator will. However, I think he would have a great deal of opposition from oleomargarine manufacturers and those who are interested in the oleomargarine business.

Mr. OVERTON. Under the encouragement of the Senator from Missouri I will offer such an amendment in due course, after we shall have considered the other amendments.

As a matter of fact, oleomargarine has just as much nutritive value as has butter.

Mr. CLARK of Missouri. I am not making any contention about the nutritive value of oleomargarine. All I say is that it is not butter, and ought not to be sold as butter.

Mr. OVERTON. I am undertaking to present the case of oleomargarine under the philosophy of the pending measure. I feel friendly toward oleomargarine. The Senator from Missouri is bound to know that it is suffering from a bad name, and that we should not submit to it for a moment, but that we should change the name. I will suggest a new name for it, and if it is not the right name perhaps the Senator from Missouri or some other Senator will suggest a more appropriate or palatable name. We want something which will break down the sales resistance to oleomargarine.

Oleomargarine contains vitamin A, which is a very vital part of the product, and which in oleomargarine is much more uniform than in dairy butter. Dairy butter varies in the quantity of the vitamin A content in the product. During good summer weather, when the pastures are verdant, when excellent feed is given to the cows, dairy butter has as much as 900 units of vitamin A per pound. However, when winter comes, or bad seasons, and the food is not so nutritious, the product degenerates down to as low as 100 units of vitamin A per pound.

On the other hand, oleomargarine has approximately 1,000 U. P. C. units of vitamin A, and maintains that content with fair uniformity.

The product oleomargarine, and the one now mostly used, is made from vegetable oils. So I will suggest, and I hope the Senator from Missouri will agree with me that it is proper, although if he

has a better name I am willing to take it, to amend the act by inserting another section declaring that—

For the purposes of said Federal Food, Drug, and Cosmetic Act, and of the Federal Oleomargarine Act, all "oleomargarine" in which the fat is derived primarily from vegetable sources shall hereafter be designated as "vegetable butter."

If any Senator has a better name than "vegetable butter" I shall be very glad to adopt it.

Mr. President, there is another food which is also suffering under a sales resistance name. It should be changed. So long as we are to act administratively with reference to the Pure Food and Drugs Act we should do everything we can do at one time. I refer to the food known as spinach. The word "spinach" has a very distasteful and obnoxious sound to the human ear. It makes the human palate revolt against this nutritious food. That fact is emphasized in the common saying, "It is all spinach." When we say "it is all spinach" we express our complete disgust. Yet spinach is a wonderful vegetable. It contains vitamin A in tremendous quantities. We certainly need vitamin A today. Vitamin A is a great relief to night blindness. Vitamin A is being given to our pilots on the battlefields and in training in order to increase their night vision. I have no doubt that if they were fed more spinach it would certainly develop their capacities as pilots. In the midst of this great war effort we should do everything we can to aid it.

Spinach also contains a world of vitamin B<sub>1</sub>. The B<sub>1</sub> vitamins are very nutritious. A deficiency of B<sub>1</sub> vitamins is general among the people of the United States. That situation should be corrected.

Spinach also contains vitamin C. We all know there is no better remedy for scurvy than vitamin C.

In addition to the elements I have named, spinach contains iron. Spinach is strength-giving, allow me to observe to the Senator from North Carolina [Mr. REYNOLDS]. It gives one power, strength, and muscle. We all know Popeye the Sailor Man. We know that as soon as he takes spinach he becomes strong and powerful, and when he is deprived of his spinach he is so weak that a child can handle him.

Mr. President, I wanted my children to eat spinach. The dietitians recommend spinach. I read in magazines and in scientific journals that spinach was one of the best things in the world for children. It developed them and gave them strength and health. So I took my children around to see the moving picture of Popeye the Sailor. I took them to see picture after picture in order to ascertain what effect the pictures would have on them. We laid spinach before them, and sometimes it was barely tasted, or not touched at all. So I took them again to see Popeye the Sailor, with apparently no results. I took the matter up with them one day. I said to them, "Why do you not eat spinach? Have you not seen the wonderful effect it will have? Have you not seen how you will be made strong and healthy if you eat spinach,



and do you not want to be strong and healthy?" They replied, "Yes, father, but we do not want to look like Popeye." [Laughter.]

So, Mr. President, something will have to be done. We are all very much indebted to Popeye the Sailor for undertaking to remove the opprobrium which attaches to this very valuable food called spinach on account of its name. We must act legislatively. We must come to the assistance of Popeye. I suggest that—

For the purposes of said Federal Food, Drug, and Cosmetic Act, the vegetable commonly known as spinach is hereafter renamed and designated as "health and strength greens."

I think that would be a better name than the nomenclature of "defatted milk solids." I suggest for spinach the name "health and strength greens." It is an inviting name. Everyone understands what health and strength mean. It is very difficult to understand the name used in this bill, namely "nonfat milk solids." If we adopt the name which I have suggested for spinach, we will be able to induce our children to eat it, our aviators will be eating it, the public generally will be consuming it, and we shall all be healthier, stronger, and a more robust people.

Mr. President, there is one other product which I desire to mention. The thought originates with my childhood experience. I recall that when I was a little boy, about twice a year either my father or my mother would appear in the morning at my bedside with a dose of castor oil in a cup or a glass. It would be put down before me for my consumption. In one of the parental hands was a nice bright silver coin. In the other was a switch. I was given this option: "Drink the castor oil and you will receive the money. If you do not drink it you will get a whipping, and you will have to drink it anyway." So, confronted with those two options, I arrived at the inescapable conclusion that I had better drink the oil and take the money; but ever since then I have had terrific antipathy to castor oil, and I am not the only one, for I think generally people have such an antipathy. Yet it is one of the finest medicines and laxatives in the pharmacopoeia. And now as we are undertaking to legislate away opprobrious names which the terrible Pure Food and Drug Administration is imposing upon a suffering public, why not act in behalf of castor oil? Let us give it a new name; let us make it easy of advertising; let us make it so that on every drug-store counter it may be served possibly in preference to orangeade, malted milk, or other popular beverages. Therefore, Mr. President I am going to suggest that the name of castor oil be changed to "the elixir of life" or "the nectar of the gods." [Laughter.]

Now Mr. President, I will begin with amendment numbered 1, which I offer and ask the clerk to read.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The CHIEF CLERK. On page 1, line 11, it is proposed to add the following new section:

For the purposes of the said Federal Food, Drug, and Cosmetic Act, "skim milk" shall be labeled and renamed as "nonfat milk" or "defatted milk"; that "evaporated skim milk" shall be labeled and renamed as "nonfat evaporated milk" or "defatted evaporated milk"; that "concentrated skim milk" shall be labeled and renamed as "nonfat concentrated milk" or "defatted concentrated milk"; and that "condensed skim milk" shall be labeled and renamed as "nonfat condensed milk" or "defatted condensed milk."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Louisiana [Mr. OVERTON].

Mr. OVERTON. Mr. President, I do not wish to prevent any further discussion that may be desired in reference to the amendment, but I should like now to ask for the yeas and nays on it.

The PRESIDING OFFICER. The yeas and nays are demanded. Is there a sufficient second?

The yeas and nays were not ordered.

Mr. OVERTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	George	O'Daniel
Andrews	Gerry	Overton
Austin	Gillette	Radcliffe
Bailey	Green	Revercomb
Bankhead	Guffey	Reynolds
Barkley	Hatch	Russell
Bilbo	Hayden	Shipstead
Bone	Hill	Smith
Bridges	Holman	Taft
Buck	Jackson	Thomas, Idaho
Bushfield	Johnson, Colo.	Thomas, Utah
Butler	La Follette	Tunnell
Byrd	McClellan	Tydings
Capper	McFarland	Vandenberg
Caraway	McKellar	Wallgren
Chavez	Maybank	Weeks
Clark, Idaho	Mead	Wherry
Clark, Mo.	Millikin	White
Connally	Moore	Wiley
Davis	Murdoch	Willis
Eastland	Murray	Wilson
Ferguson	Nye	

The PRESIDING OFFICER. Sixty-five Senators having responded to their names, a quorum is present. The question is on the amendment offered by the Senator from Louisiana [Mr. OVERTON].

Mr. OVERTON. Mr. President, since some of the Senators now present were absent at the time I offered the pending amendment and undertook to explain it, I think perhaps I should briefly explain just what the purpose of the amendment is.

The bill now before the Senate is an attempt to change the name of one single product of skim milk, that is, the product generally and commonly known as skim-milk powder, or powdered skim milk.

I take the position that if we are to adopt the policy of legislating names for different products we should go further than does the bill, especially in view of the fact that the argument made for the enactment of the bill is that skim milk is such an opprobrious term that the hu-

man gorge just rises against it, and people do not want to consume skim milk, because it is simply "hog wash."

I should like to have the attention of the Senator from Michigan [Mr. VANDENBERG], because I know he is very much interested in dairy products. A bill has been introduced, but it deals with only one isolated, fragmentary product of skim milk, a manufactured product, not the fluid that is consumed on the table.

The main product of skim milk which is used, and which goes into direct consumption, is the fluid skim milk; and if we are to adopt the proposed legislation upon the ground suggested, unquestionably we should go to the very source of the trouble and change the name of skim milk to "nonfat" or "defatted milk," and so on down the line change the name of evaporated skim milk, concentrated skim milk, condensed skim milk, and so forth. That would be in line with the main bill.

Mr. President, a moment ago I asked that we have the yeas and nays on the amendment, and I hope the yeas and nays may be granted. I renew my request.

The PRESIDING OFFICER. The yeas and nays are demanded on the amendment offered by the Senator from Louisiana. Is the demand sufficiently seconded?

The yeas and nays were not ordered.

Mr. OVERTON. Mr. President, I do not like to be obstreperous, but since for some reason or other the Senate seems to be taking little interest in the bill, since it is difficult to obtain a quorum, and very few Senators are now on the floor, and since evidently there cannot be obtained any recorded expression of the senatorial reaction to this great problem which confronts the American people, under these circumstances, while I dislike to do so, I shall again have to suggest the absence of a quorum.

Mr. CLARK of Missouri. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CLARK of Missouri. Has any business been transacted since the last call of the roll?

The PRESIDING OFFICER. Yes; business has been transacted.

The absence of a quorum having been suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	George	O'Daniel
Andrews	Gerry	Overton
Austin	Gillette	Radcliffe
Bailey	Green	Revercomb
Bankhead	Guffey	Reynolds
Barkley	Hatch	Russell
Bilbo	Hayden	Shipstead
Bone	Hill	Smith
Bridges	Holman	Taft
Buck	Jackson	Thomas, Idaho
Bushfield	Johnson, Colo.	Thomas, Utah
Butler	La Follette	Tunnell
Byrd	McClellan	Tydings
Capper	McFarland	Vandenberg
Caraway	McKellar	Wallgren
Chavez	Maybank	Weeks
Clark, Idaho	Mead	Wherry
Clark, Mo.	Millikin	White
Connally	Moore	Wiley
Davis	Murdoch	Willis
Eastland	Murray	Wilson
Ferguson	Nye	



The PRESIDING OFFICER. Sixty-five Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment offered by the Senator from Louisiana.

Mr. OVERTON. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. OVERTON. May I renew my request for the yeas and nays on this question?

The PRESIDING OFFICER. The request for the yeas and nays may be renewed.

Mr. OVERTON. I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. OVERTON. I suggest the absence of a quorum.

Mr. CLARK of Missouri. I make the point of order, Mr. President, that no business has been transacted since the last quorum call.

Mr. OVERTON. I contend that the refusal of the Senate to grant the request for the yeas and nays is a matter of business.

Mr. CLARK of Missouri. I make the point of order against the suggestion of the absence of a quorum.

The PRESIDING OFFICER. In the opinion of the present occupant of the chair no business has been transacted since the last quorum call, and the point of order is well taken.

The question is on agreeing to the amendment offered by the Senator from Louisiana.

The amendment was rejected.

Mr. OVERTON. Mr. President, before I send the next amendment to the desk I wish to make a statement. I could, of course, have each one of the proposed sections submitted as separate amendments, and I could ask for the yeas and nays on each one, and could undertake to delay matters by asking repeatedly for quorum calls. I have no such desire. It is evident to me that the Senate does not wish to go on record in respect to any of these amendments, and probably not in respect to the bill itself. I shall, therefore, offer as one amendment the amendments which I now send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendments will be stated.

The CHIEF CLERK. On page 1, line 11, it is proposed to add the following new sections:

SEC. —. For the purposes of said Federal Food, Drug, and Cosmetic Act, and of the Federal Oleomargarine Act, all oleomargarine in which the fat is derived primarily from vegetable sources shall hereafter be designated as "vegetable butter."

SEC. —. For the purposes of said Federal Food, Drug, and Cosmetic Act, the vegetable commonly known as spinach is hereafter renamed and designated as "health and strength greens."

SEC. —. For the purposes of said Federal Food, Drug, and Cosmetic Act, castor oil shall hereafter be labeled and designated as "elixir of life" or "nectar of the gods."

The PRESIDING OFFICER. Is there objection to the amendments being considered en bloc? The Chair hears none, and it is so ordered.

Mr. BARKLEY. Mr. President, I wonder if the Senator from Louisiana would not agree to separate the castor-oil amendment, so that we could vote on it separately. The Senator has offered a suggestion which might induce an increased consumption of castor oil if we could call it something else.

Mr. OVERTON. I think they are all of equal import.

Mr. BARKLEY. That may be true.

Mr. OVERTON. Of course, Mr. President, I know the Senator from Kentucky is probably fascinated by the new designation of "elixir of life" or "nectar of the gods," he himself being a purist in phraseology as well as in thought. Probably he would like to have a separate vote taken on the amendment.

I always like to yield to the majority leader, and I am perfectly willing—

Mr. BARKLEY. Mr. President, if the Senator is about to yield to me, I withdraw the request. [Laughter.]

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Louisiana, which will be considered en bloc. [Putting the question.]

The amendments were rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. RADCLIFFE. Mr. President, the Senator from Louisiana [Mr. OVERTON] at the beginning of his remarks stated that what was done should be done in accordance with a sound policy. Of course, that is entirely true. However, in order to be in accordance with sound policy a term used must be properly descriptive, and it must be descriptive not only at the time when first used but as of today.

Very briefly, I wish to refer to something which all of us know very well, namely, that as time goes on many words have a tendency to acquire meanings quite different from the ones they originally had. Consequently, although a word might have been appropriate and suitable at some time in the past, it does not necessarily follow that it will be appropriate at a later time.

Let me refer to several words with the history of which we are all familiar. The word "pagan" does not necessarily mean a person who lives in a village, nor does the word "heathen" describe merely one who lives on a heath. Yet the contrary was once the case in regard to both of these words. The word "adventurer" has acquired a significance which as of today is not a favorable one; yet basically the word "adventurer" is a perfectly good word. An adventurer is, etymologically speaking of course, one who seeks adventure. Yet we know that there has been a decided deteriorating change in the significance of the word. An adventurer today is one who attempts to do something which is not in any sense commendable.

The word "prejudice" in itself means nothing in the world but a judgment

reached before one has obtained the material facts; yet today it has acquired a meaning with which we must reckon, and one which is certainly an unfavorable one. Today a "dunce" is not necessarily a man who follows the views of Duns Scotus, as once he was. A "legend" is not necessarily a writing as to which an obligation inheres that it be read. The word "silly" has changed materially in nature. A "pert" person is not necessarily one who is quick and alert. I mention these instances to illustrate the changes in the meaning of words which frequently result as time goes on.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. RADCLIFFE. I yield.

Mr. OVERTON. I understand that the Senator from Maryland is in favor of the bill because he thinks that "defatted milk solids" is the correct descriptive name which relates entirely to one product of skim milk, namely, powdered skim milk. Let me ask the Senator whether, if that be true, the fluid skim milk which is served on all our tables should not have its name changed, and whether the Food and Drug Administration should not be permitted to designate such "skim milk" as "defatted" or "nonfat" milk.

Mr. RADCLIFFE. Mr. President, in what I have said I have not meant in any way to indicate there is only one term in use which is misleading. There may be many others. Probably a change in some of some other terms should be considered, if they must appear for instance on labels of manufacturers, should they carry erroneous impressions.

However, that is not the situation we are now considering. In the Commerce Committee only the one term "skim milk" has been considered. It has been considered very carefully. If the Senator from Louisiana wishes to bring up the matter of having considered other terms which are alleged to be misleading, and wishes the Commerce Committee to examine into them, the Senator from Maryland as a member of that committee, should be very glad to help in doing so.

Mr. OVERTON. Mr. President, let me inquire what is the difference between calling fluid skim milk "defatted milk" and calling powdered skim milk "defatted milk solids"?

Mr. RADCLIFFE. There may be reasons which are not now apparent to the Senator from Louisiana or to me. That distinction is a matter which has not been given consideration by the Commerce Committee. I do not know whether the Senator from Louisiana has gone very carefully into the matter of attempting to analyze the question whether there is a basis for distinction between them and the present question before us. But if he wishes that matter brought up, introducing a bill to that effect, and the bill is referred to the Committee on Commerce, I should be very glad as a member of that committee to try to study the subject very carefully in cooperation with him.

Mr. OVERTON. If the Senator desires to make a distinction, he might consider the necessity or desirability of



making a distinction as between a manufactured product and one which is not manufactured, or as between a fluid product and a nonfluid product. Likewise, why should not evaporated milk be called "nonfat evaporated milk"?

Mr. RADCLIFFE. Mr. President, I gladly report to the Senator what I said a moment ago, namely, that the matter is one which no doubt is entitled to serious consideration, and I, for one, should be glad to study it.

I do not wish to trespass on the time of the Senate by referring to numerous items of history, but I shall mention one or two additional ones. In some of the old books on theology we find again and again our Lord referred to as "the ringleader of our salvation." Certainly no one with any proper sense of respect or reverence would today use any such language as that.

The tendency of words to undergo a change in their meaning and usage has existed for many years. Such a change is now going on; and we must reckon today upon such a process of transition, and must at times consider fully whether a term formerly used is the proper one to be used today, whatever may have been its qualifications sometime ago. It is not necessary for us to consider why the change in meaning occurred. The question is whether the meaning of a word has really shifted. If such a change has resulted, and if a certain term has deteriorated in value or otherwise has changed in meaning, that fact is a pertinent point to consider and possibly to warrant a change in phraseology. What previously has been a sound policy in such matters need not, of course, be such today.

Let me mention one other word before I conclude. Milton might use the word "admire" in the sense of wonder at, without any implication at all of approval; but certainly that is not the meaning today.

I have cited several instances of what happened years ago. Similar changes are still developing as to words in use. The term "confidence man" is made up of two perfectly good words, but certainly no one would say that the combination as used today is a flattering one. The term "second-story man" is one which is found in present-day usage. There is nothing obnoxious in those words when used individually, but certainly that phrase is not a suitable one for use in a complimentary sense.

I wish to emphasize the fact that the term "skim milk" has acquired an opprobrious and highly unfavorable meaning in present-day usage no matter what the reasons for such a deterioration may be. The charge has been due to general ignorance or to the fact that many persons do not realize that many good food qualities still remain after milk is skimmed or separated. The letter from the illustrious Dr. McCollum, of the School of Hygiene and Public Health of Johns Hopkins University, which has been read by the Senator from Missouri [Mr. CLARK], brings out that fact very forcefully. But the point is that the term "skim milk" today has an interpretation in the public mind which is a grossly mis-

leading one. Since that is the case, it is not a sound policy, if I may use the words previously used by the Senator from Louisiana, to insist upon the retention of a phrase which today has a meaning quite apart from its original meaning. I think the industry should not be required to continue to labor under the burden of a name which is both inaccurate and contemptuous. I hope the bill will be passed.

The PRESIDING OFFICER. The bill having been read the third time, and ordered to be engrossed, the question is, Shall it pass?

Mr. OVERTON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. DAVIS (after having voted in the affirmative). I have a general pair with the junior Senator from Kentucky [Mr. CHANDLER]. I do not know how he would vote, if present. I transfer that pair to the junior Senator from Ohio [Mr. BURTON], who, if present, would vote as I have voted. I therefore allow my vote to stand.

Mr. BRIDGES (after having voted in the affirmative). I have a general pair with the Senator from Utah [Mr. THOMAS]. I transfer that pair to my colleague [Mr. TOBEY], and let my vote stand.

Mr. HILL. The Senator from Virginia [Mr. GLASS] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Washington [Mr. BONE], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Iowa [Mr. GILLETTE], the Senator from Indiana [Mr. JACKSON], the Senator from Montana [Mr. MURRAY], and the Senator from Utah [Mr. THOMAS] are absent because of business in the Government departments.

The Senator from Texas [Mr. CONNALLY] and the Senator from Colorado [Mr. JOHNSON] are absent because of attendance at a committee meeting. I am advised that if present and voting the Senator from Colorado would vote "yea."

The Senators from Nevada [Mr. McCARRAN] and Mr. SCRUGHAM are absent on official business.

The Senator from North Carolina [Mr. BAILEY], the Senator from Kentucky [Mr. CHANDLER], the Senator from California [Mr. DOWNEY], the Senator from Louisiana [Mr. ELLENDER], the Senator from West Virginia [Mr. KILGORE], the Senator from Illinois [Mr. LUCAS], the Senator from Connecticut [Mr. MALONEY], the Senator from Utah [Mr. MURDOCK], the Senator from Florida [Mr. PEPPER], the Senator from Tennessee [Mr. STEWART], the Senator from Oklahoma [Mr. THOMAS], the Senator from Missouri [Mr. TRUMAN], the Senator from New York [Mr. WAGNER], the Senator from Massachusetts [Mr. WALSH], the Senator from New Jersey [Mr. WALSH], and the Senator from Montana [Mr. WHEELER] are absent because of public business.

Mr. WHITE. The Senator from Oregon [Mr. McNARY] is absent because of illness.

The Senator from Minnesota [Mr. BALL], the Senator from Maine [Mr. BREWSTER], the Senator from Illinois [Mr. BROOKS], the Senator from South Dakota [Mr. GURNEY], the Senator from New Jersey [Mr. HAWKES], the Senator from North Dakota [Mr. LANGER], the Senator from Kansas [Mr. REED], and the Senator from Wyoming [Mr. ROBERTSON] are necessarily absent.

The Senator from New Hampshire [Mr. TOBEY] is absent because of a death in his family.

I announce the following general pairs:

The Senator from Oregon [Mr. McNARY] with the Senator from Alabama [Mr. BANKHEAD];

The Senator from Kansas [Mr. REED] with the Senator from New York [Mr. WAGNER]; and

The Senator from Wyoming [Mr. ROBERTSON] with the Senator from Wyoming [Mr. O'MAHONEY].

The Senator from Nebraska [Mr. BUTLER] is detained on official business. If present, he would vote "yea."

The result was announced—yeas 46, nays 4, as follows:

#### YEAS—46

Aiken	Green	Revercomb
Austin	Guffey	Reynolds
Barkley	Hatch	Shipstead
Bilbo	Hayden	Taft
Bridges	Hill	Thomas, Idaho
Buck	Holman	Tydings
Bushfield	La Follette	Vandenberg
Byrd	McClellan	Wallgren
Capper	McFarland	Weeks
Caraway	McKellar	Wherry
Clark, Idaho	Mead	White
Clark, Mo.	Millikin	Wiley
Davis	Moore	Willis
Eastland	Nye	Wilson
Ferguson	O'Daniel	
Gerry	Radcliffe	

#### NAYS—4

Maybank	Russell	Tunnell
Overton		

#### NOT VOTING—46

Andrews	Gillette	Pepper
Bailey	Glass	Reed
Ball	Gurney	Robertson
Bankhead	Hawkes	Scrugham
Bone	Jackson	Smith
Brewster	Johnson, Calif.	Stewart
Brooks	Johnson, Colo.	Thomas, Okla.
Burton	Kilgore	Thomas, Utah
Butler	Langer	Tobey
Chandler	Lucas	Truman
Chavez	McCarran	Wagner
Connally	McNary	Walsh, Mass.
Danaher	Maloney	Walsh, N. J.
Downey	Murdock	Wheeler
Ellender	Murray	
George	O'Mahoney	

So the bill, H. R. 149, was passed.

#### DECLINE IN THE CONSUMPTION OF COTTON AND PRODUCTION OF COTTON GOODS

Mr. MAYBANK. Mr. President, today I submitted a resolution requesting an investigation by a committee of this body of the use of cotton and the production of cotton goods throughout the United States. I might say that the textile industry is the largest industry in our State of South Carolina, and the largest in our section. Hundreds of thousands of workers are employed in the industry, and countless millions of dollars are paid in taxes to the school districts, to the State, and to the Government itself. In addition to all the textile manufacturing industry means to us, the cotton which those engaged in that industry use



is the product of the farms of the South, and is the main money crop in our section.

Last week the Washington Star carried the following article from the Associated Press:

**COTTON CONSUMPTION FAR BELOW YEAR AGO DURING JANUARY**

The Census Bureau reported today that cotton consumed during January totaled 819,489 bales of lint and 99,117 bales of lint-ers, compared with 916,785 of lint and 110,772 of lint-ers during January last year; for the 6 months ending January 31 consumption was 5,090,896 bales of lint and 652,868 of lint-ers compared with 5,623,308 and 686,234.

Cotton on hand January 31 was reported held as follows:

In consuming establishments, 2,377,580 bales of lint and 466,078 bales of lint-ers, compared with 2,495,764 and 508,439 a year ago.

In public storage and at compresses, 12,120,142 bales of lint and 82,227 bales of lint-ers, compared with 13,069,529 and 80,378.

Cotton spindles active during January numbered 22,217,994, compared with 22,935,012 in January last year.

Mr. President, I might say that the falling off in consumption shown by those figures amounts to some 600,000 bales in 6 months, or more than a million bales for the year.

Of course, coming as I do from a textile State and from a cotton-producing State, I am well aware that the consumption of cotton has increased during the war period, but I am also well acquainted with the fact that the consumption for last month was the lowest since February 1941. It is my opinion, as it is the opinion of those engaged in the war effort, that textiles are one of the main products necessary for the war. The largest consumers of textiles of course are the Army and the Navy. From uniforms to tents, from the things necessary to develop tires to the parachutes which the men in the Air Force use, cotton is the principal ingredient.

The Journal of Commerce and Commercial, of New York, under date of Thursday, February 17, with a four-column streamer, had an article under this headline:

Cotton goods production reflecting important decline.

Raw cotton consumption off 18 percent from peak level.

Output now believed down from billion yards monthly to about 800,000,000 to 850,000,000. Causes clear but remedial steps insufficient.

Mr. President, I shall read the article from the Journal of Commerce and Commercial, a trade paper well appreciated in the trade world. I know some of the things stated in the article to be facts. I am not so familiar with other parts of the article as I should be, not having had sufficient time to go into all the details. However, I hope that through the resolution I have offered all that the Journal of Commerce has to say, and all that appears in the figures from the Bureau of the Census, will be fully investigated, so that the hundreds of thousands of wage earners in South Carolina, and in the South generally, and the hundreds of thousands of cotton producers, together with the mill managements, and our entire economy, may be studied and considered before it is too late.

I now read the article from the Journal of Commerce:

From all indications, production of cotton goods is now dropping at an accelerated rate. Such conditions have been reported here from time to time over the past few weeks, but it has remained for the census figures on January consumption of raw cotton in domestic mills to indicate the extent of the loss. According to this report, only 819,489 bales were used in the month, the smallest consumption of this fiber for a January since 1940, and the smallest for any month since February 1941. In January last year the consumption was 916,785 bales, so that the loss from a year ago is 10.6 percent. Peak cotton use was 1,000,000 bales in April 1942, and from this top month a loss of over 18 percent has been recorded. Translating this into yardage figures, it may be ventured that the industry which at its best was turning out about a billion yards of cotton goods monthly probably is now operating only at a rate of around 800,000,000 to 850,000,000 yards a month.

Mr. President, let me say that large firms in many sections do not have the cotton goods to sell to the purchasing public of America. Some of the contracts for the military, according to what I have been told, have been rather difficult to fill.

**CAUSES OF DECLINE LONG APPARENT**

The factors which are causing this decline are well known. They have been in effect and clear to all observers over many months. Manpower shortages and inefficiencies of fill-in help have been a major factor which, except for one or two divisions of the industry, has not been worked out by the Government.

In other words, Mr. President, the manpower shortage is one of the serious causes of trouble to the industry.

Inadequate prices and margins also have been a large contributing item, since long delays in action on values caused mills to drop overtime operations, while third shifts as they became more costly to operate were often abandoned.

Let me say, Mr. President, that when the working time was lowered from 48 to 40 hours a week, it was not a question of manpower; the same workers were there. In reality a reduction of pay resulted. The workers had previously received time and a half for the 8 hours over 40 hours. The workers were still there. The textile workers are loyal, faithful, and devoted Americans; there are none better. I am proud we have so many in South Carolina.

The undesirability of wearing out machinery for which replacements were hard to get, especially where returns were not sufficient, also has had a deterrent effect on output.

Mr. President, I have been told how difficult it has been on many occasions for the mills to obtain textile machinery to replace the machinery which was running day and night to fill orders for the Army and the Navy. The industry has found it extremely difficult to obtain parts which are so necessary to carry on operations. That difficulty also has resulted in quite a reduction in production. That likewise has resulted in loss in pay to those receiving the now substandard wage of the textile worker.

Tightening up of raw cotton, with fiber locked up in Federal loans to the extent of millions of bales and prices at high levels, have not been encouraging.

Mr. President, I cannot agree with that statement in connection with loans. I think that some of the cotton has gotten into the hands of those who perhaps have withheld it from the market, but that is not true of the farmer's cotton, that is not true of the Government-loan cotton, because we are well aware of the fact that Government loans are based on 90 percent of parity, and we know that the farmer in placing a bale of cotton in a loan today can receive only 90 percent of parity. That loan is so arranged that the southern cotton farmer, the wheat farmer, and others, might always be able to obtain parity prices for their commodities.

The article continues:

Currently, there is evidence that the Government is moving belatedly to correct certain segments of the market, as in the case of its bedsheet orders this week, but this appears so far only as a matter of subtraction of production from one item and its addition to another, with little indication of an over-all increase in output.

Mr. President, the third and final paragraph is as follows:

Reference has been made from time to time here to the need for a general liberalization of prices so as to encourage production. It has been pointed out that by taking strong steps to improve margins for manufacturers output might be stimulated, and that thereafter, if any profited excessively, adjustments might be made. The policy of the Government, on the other hand, is to make piecemeal adjustments after weeks and months of discussion, covering different segments of the industry.

Mr. President, with that statement I agree 100 percent.

But while it consumes time and energy handling the one item, production of other items and even of the item under immediate consideration tends to dry up. Once it has so tapered off, it usually can be restored only by robbing one section of the industry to promote another. This is hardly a course that can be followed with safety in a year when military and essential civilian needs, along with ordinary civilian requirements and overseas and relief demands, are of the volume which Washington officials and others have been outlining. If war agencies refuse to see the clear trend indicated by consumption data of the Census Bureau, then Congress should in the national interest look into the situation.

With that statement I thoroughly agree. I do not know whether the war agencies realize the seriousness of the situation. I do not know whether the people of America generally realize it, but day by day, month by month, fewer and fewer textiles are being made. Day by day and month by month the consumption of cotton is gradually going down, since it started its decline in April 1942.

Mr. President, I say, without criticism of anyone because I do not know the entire details, that I hope every effort will be made to go into the situation from the standpoint of taxes, from the standpoint of manpower, from the standpoint of substandard wages of textile workers, from the point of view of the different divisions of the textile industry itself, and last, but most important, the production of textiles for war and for civilian use, and for the consumption of the cotton of the South.







[PUBLIC LAW 244—78TH CONGRESS]

[CHAPTER 77—2D SESSION]

[H. R. 149]

AN ACT

To fix a reasonable definition and standard of identity of certain dry milk solids.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That for the purposes of the Federal Food, Drug, and Cosmetic Act of June 26, 1938 (ch. 675, sec. 1, 52 Stat. 1040), nonfat dry milk solids or defatted milk solids is the product resulting from the removal of fat and water from milk, and contains the lactose, milk proteins, and milk minerals in the same relative proportions as in the fresh milk from which made. It contains not over 5 per centum by weight of moisture. The fat content is not over 1½ per centum by weight unless otherwise indicated.

The term "milk", when used herein, means sweet milk of cows.

Approved March 2, 1944.

